



Diaman Partners Ltd

Privacy Notice

1. Introduction

Diaman Partners Ltd, at 259, St. Paul's street, Valletta, VLT 12 13, Malta ("Company"; "we"; "us"; "our") is authorized by the MFSA and organized as an investment firm.

We are committed to protecting our client's privacy and we will not collect any personal information about you unless you provide it voluntarily or unless we have a legitimate interest to do so.

Any personal information you communicate to us is kept within our own records in accordance with this Privacy Notice, the Terms and Conditions and as required by the applicable Laws (as defined below).

This Privacy Notice shall apply to personal information processed by the Company and shall explain how personal information is collected, used, retained and disclosed by the Company.

This Notice describes how we process information in support of the provision of our investment products and services as well as other the lawful purposes in accordance with the All personal data provided to us are processed in accordance with the Data Protection Act (Chapter 440 of the Laws of Malta – "the Act"), Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 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 – "the Regulation", the "GDR") and any other European Union ("EU") and national law in relation thereto.

2. Definition of personal data

Personal data means any information that identifies you as an individual or that relates to an identifiable individual.

We acknowledge that in accordance with the applicable Regulations any personal data shall be:

- collected upon your consent and processed lawfully, fairly and in a transparent manner ('lawfulness, fairness and transparency');
- collected for specified, explicit and legitimate purposes ('purpose limitation');
- adequate, relevant and limited to what is necessary ('data minimization');
- accurate and, where necessary, kept up to date ('accuracy');
- kept for no longer than is necessary ('storage limitation');



- processed in a manner ensuring appropriate security of the personal data ('integrity and confidentiality').

Whenever it is not possible or feasible for us to make use of aggregated and/or anonymized data (in a manner that does not identify you), we are nevertheless committed to protecting your privacy and the security of your personal data.

3. Information we collect about you

In the course of its engagement and professional relationship with you, the Company will need to collect, use, and sometimes, disclose various items of current and historical personal data about you for various purposes associated with the scope of the Services that we provide, as requested and directed by you or by your organisation. The information we collect depends on the products/services that you are interested in.

It is both impractical and almost impossible to exhaustively list all the items of personal data which we may need to collect, use or disclose about you. However, to ensure transparency, we have made an attempt to group and categorise below the different kinds of personal data about our clients that we may generally need to collect, process, use, share and store. The list below is not exhaustive:

- **Identity Data** including
 - First name, maiden name, last name, title;
 - Date and place of birth;
 - Country of origin and country of taxation;
 - Gender;
 - Nationality and citizenship;
 - Residence;
 - Identification document number (photo ID, Passport, national ID Card);
 - Data about your education, employment status, organisation and occupation;
 - Details of your family members and other relationships, including your marital status.

In the context of our corporate clients and the other legal entities that we assist, we may collect Identity and Contact Data about the following persons:

- directors;
 - legal and judicial representatives;
 - company secretary and other officers
 - shareholders and ultimate beneficial owners (UBOs);
 - founders and board of administrators in the case of Foundation;
 - settlors, beneficiaries, protectors and trustees in the case of a Trust.
- **Contact Data** including:
 - ✓ billing address;
 - ✓ mailing address;
 - ✓ email address and;



- ✓ contact numbers.

- **Anti-Money Laundering Data:** includes the following due diligence information and documentation relating to our clients, or their respective UBO, shareholders, founders, beneficiaries, directors, representatives and/or administrators (as applicable) where the client is a legal person:
 - ✓ (i) copy of identity document;
 - ✓ (ii) copy of a recently issued utility bill;
 - ✓ (iii) professional references;
 - ✓ Source of funds and wealth declaration;
 - ✓ (iv) 'KYC' (database) checks and;
 - ✓ (iv) any other documentation which may be mandated from time to time by the Prevention of Money Laundering Act (Chapter 373 of the Laws of Malta) ("PMLA"), the Prevention of Money Laundering and Funding of Terrorism Regulations ("PMLFTR"), the Financial Intelligence Analysis Unit ("FIAU") and/or any other competent authority or related legislation.

- **Financial Data** includes:
 - ✓ Information about the Assets and Liabilities of the Client necessary to perform the suitability assessment when providing Portfolio Management Services or Investment Advisory Services.
 - ✓ The bank account details of the client together with details about any payment methods used by the client to settle our invoices and, as may be necessary under the particular circumstances, the financial status and creditworthiness of the client.
 - ✓ Other information collected for investment purposes such as summary of assets, protection planning, and loans and other credit facilities.

- **Transaction Data** includes:
 - ✓ Details about the Transactions and Trades Carried out on the account of the clients with respect to the Investment Management and Investment Advice Services provided to the clients.
 - ✓ Details about invoices issued to the client, payments made to and from the client and any outstanding invoices due by the client.

- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties or associated entities and your communication preferences. This may include information whether you have subscribed or unsubscribed from any of our mailing lists, attended any of our events or accepted any of our invitations.

- **Online Identification Data** including:
 - IP addresses;
 - Cookies and information data generated via your browser;
 - User login credentials and registration data, where applicable;
 - Video and audio footage, where applicable.



- **Other information** provided during our interaction whether face-to-face, online, by phone, email or otherwise.

4. How Personal Information is collected

The collection of your personal information such as your Identification and Due Diligence related data can occur during our customer suitability and due diligence process, at the opening of administration of your investment/potential investments stage or in response to additional information on a particular product/service in line with relevant laws and regulations.

You are responsible for making sure the information you give us is accurate and up to date and inform us of any changes as soon as possible. If you do not provide us with the personal information required, we may not be able to process or assess your application to provide you with our products and services.

We generally use different methods to collect data from and about you, including through:

- **Direct Interactions.** You may give us your Identity, Contact, AML, completing and filling in our forms (such as CCFF, Terms of Business, Agreements), or by corresponding with us by post, phone, email or otherwise or during face-to-face meetings.
- **Publicly available sources.** the Malta Registry of Companies, and from electronic data searches, online search tools (which may be subscription or license based), anti-fraud databases and other third-party databases, sanctions list and general searches carried out via online search engines (e.g. Google), and other public data sources and other database provided by third party providers.
- Banks and Custodian with respect of Transaction and Financial data necessary for us to provide you with the relevant Investment Services.
- Transfer Agents or other service providers we work with that collects Investor data of assets that we manage.

We may use this information to keep your data up to date on our databases and to verify information we collect, as well as for profiling and marketing purposes. Moreover, this information may be used to comply with our internal policies and legal obligation including amongst others the prevention and detection of financial crime, money laundering and funding of terrorism.

5. How we use your information



We will only process the personal information collected from you or from external sources when we have a lawful basis to process your personal information, in line with the GDPR.

We will process your personal information for the following purposes and lawful reasons:

- When we need to process your personal information to enter into or maintain a contractual agreement we have with you, for example, to provide you with the appropriate products and services, to administer and manage your investments, maintain an up-to-date BO register, communicate with you by providing you with necessary notices, and process your transactions and instructions and communicate our policies and terms;
- When we need to process your personal information to comply with our legal obligations, such as, to monitor the use of your investment holding, carry out customer due diligence and screening in line with our internal policies, legal responsibilities including the prevention or detection of financial crime and for audit purposes;
- When processing of your personal information is necessary for the performance of a task carried out in the public interest such as the prevention and detection of financial crime.
- When we have your consent to process your personal information for a specific purpose, for example, we will ask for your consent to send you direct marketing material if you are not our existing customer.

When we need to pursue our legitimate interest, we use various measures to keep your information safe and secure and require our designated third parties to protect information and apply appropriate safeguards for the use and transfer of information.

For the purpose of this Notice, our legitimate interest shall include:

- defense and protection of our legal rights and interests;
- undertaking due diligence to determine your eligibility and suitability to our products and services;
- undertaking risk management;
- managing our relationship with you and product and business development to improve our product range and customer offerings;
- providing you with information on our products and services we think may be relevant for you (unless you tell us otherwise).

Personal information is processed in the context of marketing, product, customer profiling, and market research to improve our product range and customer offerings. We may also use your personal data to send you direct marketing material and notifications. For these purposes we may contact you by post, email, telephone, text messages, and via online channels.



We may also review your Financial Information and assets from time to time to determine interest to investment products for Direct Marketing purposes, where profiling is on a personal basis, we will get your permission to do so.

Therefore, we do not generally rely on consent as a legal basis for processing your personal data, other than in relation to sending direct marketing communications. We will only send you our marketing communications where you have expressly consented to receive them from us. You have the right to withdraw consent to such marketing at any time by contacting us.

6. How we share your information with 3rd Parties

We may have to grant access to, disclose or share your personal data with the parties set out below only for the purposes of providing you with your requested Services and complying with our legal obligations.

- During the provision of products and services and to fulfil our contractual obligations we may share your personal information with other companies to provide you with the products or services you require, such as to transfer funds to/from your beneficiaries/originators, fund managers, custodians and administrators, trustees, intermediaries, correspondent/agent banks, payment service providers;
- Regulators and other authorities, including the Financial Intelligence Analysis Unit, the Police Authorities, the Malta Financial Services Authority and other relevant Competent Authority.
- With our associated companies, such as Investment Manager and Sub-Investment Manager, Custodian, Distributors and Administrators, service providers and specific subcontractors who assist us in the provision of your products and services;
- With auditors, and other similar parties/service providers as required for us to comply with our legal obligations and for reporting, compliance, auditing purposes;
- Other service providers, including those that provide IT support and system administration services for the Company.

When sharing your personal information, we will ensure that we adhere to applicable law and regulations.

For the purpose of providing you with our products or services, to fulfil our legal obligations, to protect the public interest or for our legitimate interest we may be required to transfer your personal information to so called third countries i.e. countries outside the European Economic Area ("EEA"). Where we do need to transfer your personal data outside the EEA, we will ensure that the jurisdiction is compliant with the conditions of the GDPR. Such transfers can be made if any of the following conditions apply:



- the EU Commission has determined that there is an adequate level of protection in the country in question; or
- other appropriate safeguards have been taken such as the use of standard contractual clauses approved by the EU Commission or the data processor has valid binding corporate rules in place, or
- in exceptional circumstances such as to fulfil a contract with you or subject to your consent to a specific transfer.

We will only transfer personal information to countries where standard contractual clauses or other safeguards permitted under the GDPR have been put in place.

7. How we store your information and keep it safe

We will retain your personal information for as long as required for the purposes for which your data was collected and processed or required by laws and regulations.

We will only retain your personal data for as long as necessary to fulfil our services to you and, thereafter, for the purpose of satisfying any legal, anti-money laundering and regulatory reporting requirements or obligations to which we may be subject and/or to the extent that we may also need to retain your personal data to be able to assert, exercise or defend possible future legal claims against or otherwise involving you.

By and large, our retention of your personal data shall not exceed the period of six years from the termination of your engagement with us. In certain cases, we may need to retain your personal data for a period of up to eleven years to comply with applicable Rules.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed (safeguard its integrity and confidentiality).

To meet appropriate security standards we use all our reasonable efforts to safeguard the confidentiality, integrity, as well as the availability of our IT systems as well as personal data that we may process relating to you and regularly review and enhance our technical, physical and managerial procedures so as to ensure that your personal data is protected from:

- unauthorized access;
- improper use or disclosure;
- unauthorized modification;
- unlawful destruction or accidental loss.

We also regularly review and, where practicable, improve upon these security measures.

In addition, we limit access to your personal data to those employees, agents, contractors and other professional third parties who strictly need to know this information. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

8. How you can access and control your information

You as a data subject have rights in respect of personal data we hold on you. These rights include (as applicable):

- a. ***the right to access*** - *accessing personal information we hold about you and the information related to its processing;*

You have the right to confirmation as to whether or not we process your personal data and, where we do, access to the personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee.

- b. ***the right to rectification*** - *requesting the rectification of data if it is incomplete or inaccurate;*

You have the right to have inaccurate personal data about you rectified and, taking into account the purposes of the processing, to have any incomplete personal data about you completed.

- c. ***the right to be forgotten (erasure)*** - *requesting the erasure of data unless we are required to retain such data;*

In some circumstances you have the right to the erasure of your personal data without undue delay. Those circumstances include: the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; you withdraw consent to consent-based processing; the processing is for direct marketing purposes; and the personal data have been unlawfully processed. However, there are exclusions of the right to erasure. The general exclusions include where processing is necessary for exercising the right of freedom of expression and information or for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims.

- d. ***the right to withdraw consent*** - *requesting the withdrawal of your consent for a specific processing activity;*

To the extent that the legal basis for our processing of your personal information is consent, you have the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.

- e. ***the right to data portability*** - *receiving the personal information provided to us and transferring it to another controller where technically possible;*

In exercising your right to data portability, you have the right to receive in a structured, widely-used format, the personal data related to you which you have provided to us and the right to transfer it to another controller, as well as the right to have such personal data transmitted directly from us to another controller, where technically feasible. This right shall not apply to processing in the public interest or where it may adversely affect the rights and freedoms of others.

- f. ***the right to restrict processing*** - *restricting the processing of personal data in certain instances;*

In some circumstances you have the right to restrict the processing of your personal data. Those circumstances are: you contest the accuracy of the personal data; processing is unlawful, but you oppose erasure; we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defence of legal claims; and you have objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it: with your consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.

- g. ***the right to object processing*** - *objecting the processing of personal data in instances such as direct marketing and research;*

You have the right to object to our processing of your personal data for direct marketing purposes (including profiling for direct marketing purposes), as well as for scientific or historical research purposes or statistical purposes on grounds relating to your particular situation, unless the processing is necessary for the performance of a task carried out for



reasons of public interest. If you make such an objection, we will cease to process your personal data for this purpose.

*h. **the right to complain to a supervisory authority** – lodging a complaint with the relevant Data Protection Authority;*

You have the right to lodge a complaint at any time to a competent supervisory authority on data protection matters, such as in particular the supervisory authority in the place of your habitual residence or your place of work.

In the case of Malta, this is the Office of the Information and Data Protection Commissioner (the "IDPC") - <https://idpc.org.mt/en/Pages/contact/complaints.aspx>.

We would, however, appreciate the opportunity to deal with your concerns before you approach the supervisory authority, so please contact us in the first instance.

You may exercise any of your rights in relation to your personal data by email or written notice to us.

9. Data Breaches

In the event of any data breaches discovered by us that involve the loss or unauthorised access or change to any personal information, we will notify you within 72 hours of the discovery. In the event any data breach is likely to result in a risk to personal rights and freedom, we will report to the Information and Data Protection Commissioner.

10. Other Information

Changes to our Privacy Policy

This version was last reviewed on December 2019.

We may change this privacy policy from time to time. We will post any privacy policy changes on this page. We encourage you to review our privacy policy whenever you use our services to stay informed about our information practices and the ways you can help protect your privacy.

This version was last reviewed on May 2022

Contact Details

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