

**Balbec**  
**Data Protection Notice**  
**Luxembourg**

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## 1. GENERAL INFORMATION

The entities of the Balbec group in Luxembourg (each a “**Balbec Company**”, together the “**Balbec Companies**”) are processing information in connection with third parties, contact persons of their contracting partners and other individuals (collectively: “**individuals**”). This information qualifies as “*personal data*” as defined in point 1 of Article 4 of the General Data Protection Regulation 2016/679 of the EU (“**GDPR**”).

The contact details of the Balbec Companies are the following: email: [privacy@balbec.com](mailto:privacy@balbec.com)

This data protection notice (“**Data Protection Notice**”) provides information regarding the processing of these personal data and the rights and remedies of the individuals related to the data processing.

You can find a general description of the data processing operations of Balbec Capital, LP and its affiliates and subsidiaries in the [EU Privacy Notice of Balbec Capital, LP](#).

## 2. UPDATES AND AVAILABILITY

Each Balbec Company reserves the right to modify the relevant part of this Data Protection Notice (which is applicable to its own data processing operations) unilaterally with effect subsequent to such modification, subject to the limitations provided for in the laws and with advance notification to the individuals in due time, if necessary. The relevant Balbec Company may modify this Data Protection Notice especially when it is required upon changes in the laws, the practice of the competent data protection authority, business needs or employees’ needs, any new activity involving personal data processing or any newly revealed security exposures or if it is necessary because of individuals’ feedback. When communicating in relation to this Data Protection Notice or privacy issues or otherwise keeping in contact with individuals, the relevant Balbec Company may use the contact details of individuals available to such Balbec Company in order to get or keep in contact with individuals. Upon request of the individuals, the relevant Balbec Company will for example send a copy of the latest updated version of this Data Protection Notice to individuals anytime or certify that the individuals have read the Data Protection Notice.

## 3. SPECIFIC DATA PROTECTION TERMS

In certain cases, specific privacy-related terms and conditions may also be applicable of which the individuals who are affected by them will be duly notified. Such specific terms and conditions are provided for in connection with the operation of electronic surveillance systems (i.e. cameras), the entry-control systems operated in the offices of the relevant Balbec Company and cookies that are used on the website of such Balbec Company.

In each case, individuals are obliged to make the relevant personal data available to the relevant Balbec Company in accordance with the applicable laws. Individuals shall especially be in possession of adequate and informed consent or other legal basis for making personal data of third persons available for the relevant Balbec Company (for example, if the data of contact persons and family members are given). If the relevant Balbec Company becomes aware that any personal data of a data subject was disclosed without his/her consent or any other appropriate legal basis, then the relevant Balbec Company may immediately delete such personal data and the data subject is also entitled to exercise the rights and remedies set forth in this Data Protection Notice. The relevant Balbec Company will not be liable for any loss or harm which may arise from any breach of the above undertaking and representation of any individual.

## 4. SCOPE OF THE DATA AND THE PURPOSE OF THEIR PROCESSING

This Section describes the scope of the processed personal data, the purposes, the legal basis, the duration of the processing and the scope of the persons authorised to have access to the data. This

Section also includes when a Balbec Company engages a data processor, or if a Balbec Company transfers personal data to a third party.

Where a purpose of processing is required for pursuing a legitimate interest of the relevant Balbec Company or any third party, then the relevant Balbec Company will make the balancing test of the underlying interests available upon a request submitted to one of the contact details of the relevant Balbec Company above.

**The Balbec Companies expressly wish to draw the attention of the individuals to their right of objection to the processing of their personal data due to a cause related to their own situation at any time where the processing is based on legitimate interest, including the case where the processing takes the form of profiling. In such a case, the relevant Balbec Company ceases processing the personal data unless it can prove that the processing has to be continued due to compelling legitimate reasons which override the interests, rights and freedoms of the individuals or which relate to the submission, the enforcement or the protection of legal claims. If personal data is processed for the purpose of direct marketing, individuals may at any time object to the processing of their personal data for that purpose, including profiling, if connected to direct marketing.**

The Balbec Companies may engage certain contractual partners for carrying out tasks related to data processing operations. Such contracting parties act as so-called “data processors” i.e. they process the personal data defined in this Data Protection Notice on behalf of the relevant Balbec Company.

The Balbec Companies use data processors providing sufficient safeguards, in particular in terms of expertise, reliability and resources, for the implementation of technical and organisational measures which ensure that the requirements of the GDPR are met, including the security of processing. The particular tasks and liabilities of the data processor are provided for in the data processing agreement made between the relevant Balbec Company and the data processor. After the completion of the processing on behalf of the relevant Balbec Company, the processor shall, at the choice of the Balbec Company, return or delete the personal data, unless there is a requirement to store the personal data under Union or Member State law to which the processor is subject.

The Balbec Companies are engaging the data processors for accounting and other services in the course of their day-to-day operations.

The Balbec Companies are transferring personal data for third parties – acting as data controllers, i.e. entities that determine the purposes and means of their data processing individually – as part of their day-to-day operations (e.g. banks, legal advisors, tax advisors).

The Balbec Companies are sharing the personal data listed in this Data Protection Notice with Balbec Capital LP (located in the USA) for the following purposes:

- Balbec Group human resources functions and administration (including appointments or removals, pay, discipline, superannuation, work management or other personnel matters in relation to staff).
- Balbec Group management and administration of internal information technology systems.
- Investment acquisition, due diligence, origination, underwriting, pricing, management, and disposition.
- Monitoring compliance with applicable laws and regulations, including laws and regulatory requirements aimed at detecting and preventing financial crime, insider dealing and market abuse.
- The management and administration of the business of the Balbec Group generally and any

other purpose in connection with that business.

The laws of the USA do not provide for an appropriate level of data protection as specified in the GDPR. However, the Balbec Companies provide appropriate and suitable safeguards in respect of the above data transfer to ensure that the personal data will be protected as required by applicable data protection law through an Intra-Group Data Sharing Agreement with Balbec Capital LP. Such Intra-Group Data Sharing Agreement incorporates the standard data transfer agreements adopted by the European Commission (also known as “[Standard Contractual Clauses](#)”).

The Balbec Companies provide further on the data transfers and the appropriate safeguards at its contact details.

## **Balbec Europe GP S.À.R.L.**

Balbec Europe GP S.À.R.L is managing various NPL (non-performing loan) portfolios, engaged in corporate governance, and the board of Balbec Europe GP S.À.R.L decides on investment by way of board resolutions on behalf of Balbec Europe SCA SICAV-RAIF and its sub-funds following the investment recommendation of Balbec Asset Management (France).

Balbec Europe GP S.À.R.L. is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. The identification data of its directors.
3. The identification data of its employees and job applicants.
4. Personal data in relation to its agreements, e.g. taxation services, lease, subletting (as landlord), bank account agreements.

Balbec Europe GP S.À.R.L. is engaging the data processors for accounting services, printer maintenance services and other services in the course of its day-to-day operations.

## **Balbec Europe SCA SICAV-RAIF**

Balbec Europe SCA SICAV-RAIF is the European investment platform of Balbec, a reserved alternative investment fund. As an umbrella fund, Balbec Europe SCA SICAV-RAIF may launch sub-funds, which sub-funds may directly or indirectly (through Luxembourg entities, listed below) acquire or finance the (indirect) acquisition of assets.

Balbec Europe SCA SICAV-RAIF is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. The identification data of its employees and job applicants.
3. Personal data in relation to its agreements, e.g. fund administration and depository, audit services, bank account agreement, financing agreements, portfolio management agreements.
4. Information received from publicly available resources (if a Balbec Company eventually buys the relevant portfolio). For example, information received from the website maintained by Insolvency Service of Ireland (ISI) (that is an independent statutory body) where Irish personal insolvency arrangements can be queried, and the relevant Balbec Company can obtain up-to-date information about the personal insolvency arrangements (<https://www.isi.gov.ie/en/isi/pages/home> regarding Irish Personal Insolvency Arrangements).

## **The sub-funds of Balbec Europe SCA SICAV-RAIF**

### **Balbec Europe SCA SICAV-RAIF SUB-FUND 2020-1**

Balbec Europe SCA SICAV-RAIF SUB-FUND 2020-1 is a sub-fund of Balbec Europe SCA SICAV RAIF, and it is engaged in direct NPL acquisitions in Germany, and makes decisions in respect of debtor data, i.e. uses it for analysis of payment behavior, solvency, etc.

Balbec Europe SCA SICAV-RAIF SUB-FUND 2020-1 is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data in relation to its agreements, e.g. subscription agreements, portfolio sale and purchase agreements.

### **Balbec Europe SCA SICAV-RAIF SUB-FUND 2019-1**

Balbec Europe SCA SICAV-RAIF SUB-FUND 2019-1 is a sub-fund of Balbec Europe SCA SICAV-RAIF, and it is engaged in investments directly (by way of participations, and acquisition of notes issued by securitization vehicles) and indirectly (through its subsidiaries, Balbec Invest IV S.À.R.L and Balbec Capital IV S.À.R.L).

Balbec Europe Balbec Europe SCA SICAV-RAIF SUB-FUND 2019-1 is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data in relation to its agreements, e.g. agreements with notary, cooperation agreement for fund management activities, project agreements (such as loan agreements, advisory agreements, pledge agreements).

### **Balbec Europe SCA SICAV-RAIF SUB-FUND 2019-2**

Balbec Europe SCA SICAV-RAIF SUB-FUND 2019-2 is a sub-fund of RAIF Investment vehicle, and it is engaged in direct investments through Balbec Capital S.À.R.L, Balbec Invest S.À.R.L, and Insolve II LX Partners SCSP.

Balbec Europe SCA SICAV-RAIF SUB-FUND 2019-2 is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data in relation to its agreements, e.g. equity financing, partnership interests, shareholdings, loan agreements.

### **Balbec Europe SCA SICAV-RAIF SUB-FUND 2019-3**

Balbec Europe SCA SICAV-RAIF SUB-FUND 2019-3 is a sub-fund of RAIF Investment vehicle, and it is engaged in indirect investments through Balbec Capital III S.À.R.L, Balbec Invest III S.À.R.L and Balbec Capital Property Limited (South Africa).

Balbec Europe SCA SICAV-RAIF SUB-FUND 2019-3 is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.

2. Personal data in relation to its agreements, e.g. shareholdings, loan agreements.

### **Balbec Invest IV SÀRL**

Balbec Invest IV SÀRL is an investment holding vehicle, and it is holding assets directly in Czech Republic. Additionally, made indirect investments by way of loans in several EU jurisdictions.

Balbec Invest IV SÀRL is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data of its directors.
3. Personal data of its employees.
4. Personal data in relation to its agreements, e.g. accounting services, tax services, bank account, loans, facility agreements, security agreements (e.g. account pledge agreements, receivables pledge agreements), project agreements (e.g. purchase price agreements, assignment agreements, service level agreements, loan sale agreements), portfolio transfer agreements, cash administration agreements, servicing agreements.
5. Information received from publicly available resources (if a Balbec Company eventually buys the relevant portfolio). For example, information received from the website maintained by Insolvency Service of Ireland (ISI) (that is an independent statutory body) where Irish personal insolvency arrangements can be queried, and the relevant Balbec Company can obtain up-to-date information about the personal insolvency arrangements (<https://www.isi.gov.ie/en/isi/pages/home> regarding Irish Personal Insolvency Arrangements).

### **Balbec Capital IV SÀRL**

Balbec Capital IV SÀRL is a holding company.

Balbec Capital IV SÀRL is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data of its directors.
3. Personal data of its employees.
4. Personal data in relation to its agreements, e.g. consultancy agreement, accounting agreement, tax advisory agreement, subletting agreement, bank account agreement.

### **Balbec Invest III S.À R.L.**

Balbec Invest III S.À R.L. is an investment / holding company – it is holding assets directly in the Czech Republic and engaged in indirect investments by way of loans and note and bond subscription in several EU jurisdictions.

Balbec Invest III S.À R.L. is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data of its directors.
3. Personal data of its employees.
4. Personal data in relation to its agreements, e.g. advisory agreement, accounting agreement, tax advisory agreement, subletting agreement, service agreement, loan agreement, agreement for employee benefits, receivables and rights assignment agreement, agreement for the provision of legal services, portfolio acquisition agreements (such as assignment agreement, consideration agreement, service agreement), service level agreement.

5. Personal data of debtors. The particular purpose of the processing of debtor data is analysing the debtors' payment behaviour and solvency, on a case-by-case basis. Balbec Invest III S.À R.L. receives the debtor data from APS CZ&SK Services s.r.o and Crafenport s.r.o for this purpose.

### **Balbec Capital III SÀRL**

Balbec Capital III SÀRL is a holding company – it is holding assets directly in the Czech Republic.

Balbec Capital III SÀRL is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data of its directors.
3. Personal data of its employees.
4. Personal data in relation to its agreements, e.g. accounting agreement, tax consultation agreement, subletting agreement.

### **Balbec Invest SÀRL**

Balbec Invest SÀRL is an investment holding company – it is holding assets directly in the Czech Republic and financing a Hungarian transaction.

Balbec Invest SÀRL is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data of its directors.
3. Personal data of its employees.
4. Personal data in relation to its agreements, e.g. accounting agreement, tax consultation agreement, subletting agreement, mobile service provider agreement, loan agreement, project agreements (such as assignment agreements and service level agreements).

### **Balbec Capital SÀRL**

Balbec Capital SÀRL is a holding company that is financing other companies.

Balbec Capital SÀRL is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data of its directors.
3. Personal data of its employees.
4. Personal data in relation to its agreements, e.g. accounts agreement, accounting agreement, subletting agreement, service agreement, agreement for courier services

### **Balbec LX GP SÀRL**

Balbec LX GP SÀRL is providing administrative services and corporate governance.

Balbec LX GP SÀRL is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data of its directors.
3. Personal data of its employees.
4. Personal data in relation to its agreements, e.g. accounts agreement, accounting agreement, subletting agreement, service agreement.

## **Insolve II LX Partners SCSP**

Balbec LX GP SÀRL is an investment company.

Balbec LX GP SÀRL is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data in relation to its agreements, e.g. accounts agreement, accounting agreement, subletting agreement.

## **Insolve II LX SÀRL**

Insolve II LX SÀRL is holding assets directly in Portugal.

Insolve II LX SÀRL is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data of its directors.
3. Personal data of its employees.
4. Personal data of job applicants.
5. Personal data in relation to its agreements, e.g. accounts agreement, accounting agreement, subletting agreement, loan agreements, project agreements (such as service agreements, assignment agreements).

## **Balbec Invest IV L2 SÀRL**

Balbec Invest IV L2 SÀRL is engaged in indirect investments by way of loans and note and bond subscription in several EU jurisdictions.

Balbec Invest IV L2 SÀRL is processing the following categories of personal data:

1. External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.
2. Personal data of its directors.
3. Personal data in relation to its agreements, e.g. accounts agreement, accounting agreement, subletting agreement, loan agreements.
4. Information received from publicly available resources (if a Balbec Company eventually buys the relevant portfolio). For example, information received from the website maintained by Insolvency Service of Ireland (ISI) (that is an independent statutory body) where Irish personal insolvency arrangements can be queried, and the relevant Balbec Company can obtain up-to-date information about the personal insolvency arrangements (<https://www.isi.gov.ie/en/isi/pages/home> regarding Irish Personal Insolvency Arrangements).

## 5. THE LEGAL BASIS OF THE PROCESSING OF PERSONAL DATA

Categories of data	Purpose and legal basis of the data processing
<p>External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with.</p> <p>Source of the data: from the relevant individual.</p>	<p>Legitimate business interests for the company to operate its respective businesses and to manage its relationship with potential, existing and former contracting parties (Article 6 (1) f) of the GDPR).</p>
<p>The identification data of employees, directors, and job applicants.</p> <p>Source of the data: from the relevant individual.</p>	<p>Decision-making about the employment of job applicants. This processing is necessary in order to take steps at the request of the data subject prior to entering into a contract. (Article 6 (1) b) of the GDPR).</p> <p>Administering the employment contract(s) that the company has entered into with its employees. This processing is necessary for the performance of the contractual obligations between the employees and the company (Article 6 (1) b) of the GDPR).</p> <p>Carrying out the obligations of the company under employment law (Article 6 (1) c) of the GDPR).</p> <p>The legitimate business interests of the company, such as ensuring high standards of employee behaviour and performance (Article 6 (1) f) of the GDPR).</p>
<p>Personal data in relation to agreements.</p> <p>Source of the data: from the relevant contracting party.</p>	<p>Legitimate business interests for the company to operate its respective businesses and to manage its relationship with potential, existing and former contracting parties (Article 6 (1) f) of the GDPR).</p>
<p>Personal data of debtors.</p> <p>Source of the data: from the seller of the relevant portfolio or a contracted debt servicing entity.</p>	<p>Legitimate business interests for the company to enforce the debts and, for this purpose, to analyse the debtors' payment behaviour and solvency, on a case-by-case basis (Article 6 (1) f) of the GDPR).</p>

## 6. DATA RETENTION

### 1. External data

- Article 2262 of Luxembourg Civil Code and articles 14, 16 and 189 of the Luxembourg Commerce Code.
- Article 5 of Law of 12 November 2004 on the fight against money laundering and the financing of terrorism

### 2. Employee/ HR data

- No statutory retention.
- Applicable law:
  - (i) Article L.221-2 of the Luxembourg Labor Code, article 2277 of the Luxembourg Civil Code and articles 14, 16 of the Luxembourg Code of Commerce
  - (ii) Article 2277 of the Luxembourg Civil Code
  - (iii) Articles 16 and 189 of the Luxembourg Code of Commerce
  - (iv) Article 424 of the Luxembourg Social Security Code
  - (v) Articles 16 and 189 of the Luxembourg Code of Commerce
  - (vi) Article 454 of the Luxembourg Criminal Code, Recommendation N° 02-017 of the French Data Protection Authority (CNIL)

### 3. Agreements

- Article 2262 of Luxembourg Civil Code and articles 14, 16 and 189 of the Luxembourg Commerce Code

The criteria used to determine the period for which the personal data will be stored depends on the origin of data:

Type of data	Data retention period
Data of contractual origin	10 years from the date when the relevant contract has ended; if civil origin, 30 years.
Data which are collected for AML/KYC purposes	5 years from the termination of the business relationship and/or from the execution of the transaction order.
Employment related data	For the legal limitation period for claims arising from an employment relationship, i.e. 3 years after the end of the year in which the claims become due.
Documents that are necessary for accountancy obligations	For a period of 10 years after the end of the year in which the employment relationship was terminated.
Originals of the certificates related to claims for cash benefits or sick pay due to accident	3 years after the end of the year in which the employment relationship was terminated.
Data regarding the duration of the service period, salary and income to be taken into account for calculating the employee's pension entitlement	For the time limit for accountancy which is 10 years as of the 31 <sup>st</sup> December of the concerned year.
Data regarding work accidents	For a minimum of 5 years as of the 31 <sup>st</sup> December of the concerned year.
Any document or an information that may be relevant for tax reporting purposes	For 10 years as of the 31 <sup>st</sup> December of the concerned year.

Type of data	Data retention period
A document or an information may be kept for accounting purposes, where it is part of the bookkeeping records	For 10 years as of the 31st December of the concerned year
Job applications	<p>In case of refusal: 2 years as from collection, unless the candidate expressly consents to a longer retention.</p> <p>For documents related to test or evaluation – 10 years (Under article 454 of the Luxembourg Criminal Code, a discrimination action can be introduced 10 years after the rejection letter has been sent.)</p>
If the contract is subject to civil action	30 years from the date when the relevant contract has ended
If the contract is subject to commercial action	10 years

Any event which interrupts the limitation period extends the term of the data processing until the new date when the underlying claim may lapse.

## 7. TECHNICAL AND ORGANISATIONAL DATA SECURITY MEASURES

The Balbec Companies protect the personal data they process primarily by restricting the access to the information and by clearly specifying users' rights. Only the persons who needs to have access in order to fulfil the above-mentioned purposes and/or are authorised to have access are entitled to access the systems and instruments used for processing the personal data referred to in this Data Protection Notice. These persons include e.g. designated team members or departments (e.g. in respect of user data that are required for the use of Balbec's IT systems, the IT Department).

The Balbec Companies ensure the safe and legitimate use of the devices which it makes available (including company-owned computers, notebooks and mobile phones), the e-mail accounts and the Internet and the desirable level of awareness of the employees related to such use by applying the following measures:

- The Balbec Companies expect that the devices which they made available and which have access to the Internet as well as the e-mail accounts are used by the employees with specific user names and passwords which are adequately complex and up-dated at regular intervals.
- The Balbec Companies protect all their systems and devices by fire wall, antivirus software and spam filters. In addition, the Balbec Companies operate an intrusion protection system (so-called IPS) which enables the detection, blocking and logging of illegitimate attempts of intrusion into the computer systems of the Balbec Companies.
- The Balbec Companies make safe wired and wireless network access available for all company devices provided by the relevant Balbec Company.
- Remote access to the systems and software of the Balbec Companies from any device is possible only through safe connection (VPN) by using specific user names and passwords, with mitigation of chances of accidental access (including illegitimate access by the use of stolen or lost devices).
- The IT Department of Balbec carries out regular software and system up-dates and back-up saves of data in accordance with its own internal regulations.

As regards the physical protection of data and electronic documents, all data is stored off-site in a co-location facility hosted by Amazon Web Services in several countries in the EU and in the US.

Data stored is encrypted with keys available only to the IT (technology) team which is responsible for data storage and recovery. Access to particular data is reserved to those adequately authorised persons only who have specific valid reasons for access.

Amazon Web Services is operated by Amazon Web Services EMEA SARL (38 Avenue John F. Kennedy, L-1855, Luxembourg; fax: 352 2789 0057; [https://aws.amazon.com/contact-us/?nc2=h\\_header](https://aws.amazon.com/contact-us/?nc2=h_header)). In the course of its services, Amazon Web Services EMEA SARL also transmits personal data outside the European Economic Area (EEA). The data protection legislation of most non-EEA countries (including the US) does not provide an adequate level of data protection as defined by the GDPR. However, Amazon Web Services provide appropriate and suitable safeguards in respect of the above data transfer to ensure that the personal data will be protected as required by applicable data protection law through the use of the standard data transfer agreements adopted by the European Commission (also known as “[Standard Contractual Clauses](#)”). The AWS GDPR Data Processing Addendum is available at: [https://d1.awsstatic.com/legal/aws-gdpr/AWS\\_GDPR\\_DPA.pdf](https://d1.awsstatic.com/legal/aws-gdpr/AWS_GDPR_DPA.pdf).

## **8. DATA PROTECTION RIGHTS AND REMEDIES**

### **8.1 Data protection rights and remedies**

The detailed rights and remedies of the individuals are set forth in the applicable provisions of the GDPR (especially in Articles 15, 16, 17, 18, 19, 20, 21, 22, 77, 78, 79, 80, and 82 of the GDPR). The summary set out below describes the most important provisions and each Balbec Company provides information for the individuals in accordance with the above articles about their rights and remedies related to the processing of personal data.

The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the individual, information may also be provided orally, provided that the identity of the individual is verified by other means.

Each Balbec Company will respond without unreasonable delay, but by no means later than within one month of receipt to the request of an individual in which such person exercises his/her rights about the measures taken upon such request (see Articles 15-22 of the GDPR). This period may be, if needed, extended for further two months in the light of the complexity of the request and the number of requests to be processed. Each Balbec Company notifies the individual about the extension also indicating its grounds within one month of the receipt of the request. Where the request has been submitted by electronic means, the response should likewise be sent electronically, unless the individual otherwise requests.

If the relevant Balbec Company does not take any measure upon the request, it shall so notify the individual without delay, but by no means later than in one month, stating why no measures are taken and about the opportunity of the individual to lodge a complaint with the data protection authority and to file an action with the courts for remedy.

### **8.2 The individual’s right of access**

- (1) The individual has the right to obtain confirmation from each Balbec Company whether or not personal data concerning him/her are being processed. Where the case is such, then he/she is entitled to have access to the personal data concerned and to the following information:
  - a) the purposes of the processing;
  - b) the categories of personal data concerned;
  - c) the recipients or categories of recipient to whom the personal data have been or will be disclosed including especially recipients in third countries and/or international organisations;
  - d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

- e) the right of the individual to request from each Balbec Company rectification or erasure of personal data or restriction of processing of personal data concerning the individual or to object to such processing;
  - f) the right to lodge a complaint with a supervisory authority;
  - g) where the personal data are not collected from the individual, any available information as to their source.
- (2) Where personal data are forwarded to a third country, the individual is entitled to obtain information concerning the adequate safeguards of the data transfer.
- (3) Each Balbec Company provides a copy of the personal data undergoing processing to the individual. The relevant Balbec Company may charge a reasonable fee based on administrative costs for requested further copies. Where the individual submitted his/her request by electronic means, the information will be provided to him/her in a commonly used electronic form unless otherwise requested by the data subject.

### **8.3 Right to rectification**

The individual has the right to request that the relevant Balbec Company rectify inaccurate personal data which concern him/her without undue delay. In addition, the individual is also entitled to have incomplete personal data completed e.g. by a supplementary statement or otherwise.

### **8.4 Right to erasure ('right to be forgotten')**

- (1) The individual has the right that when he/she so requests, each Balbec Company erase the personal data concerning him/her without delay where one of the following grounds applies:
- a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed by the relevant Balbec Company;
  - b) the individual withdraws consent on which the processing is based, and there are no other legal grounds for the processing;
  - c) the individual objects to the processing and there are no overriding legitimate grounds for the processing;
  - d) the personal data have been unlawfully processed;
  - e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the relevant Balbec Company is subject;
  - f) the collection of the personal data occurred in connection with offering services regarding the information society.
- (2) If the relevant Balbec Company has made the personal data public and then it becomes obliged to delete it as aforesaid, then it will, taking into account the available technology and the costs of implementation, take reasonable steps including technical steps in order to inform processors who carry out processing that the individual has initiated that the links leading to the personal data concerned or the copies or reproductions of these be deleted.
- (3) Paragraphs (1) and (2) shall not apply to the extent that processing is necessary, among other things, for:
- a) exercising the right of freedom of expression and information;
  - b) compliance with a legal obligation which requires processing by Union or Member State law to which the relevant Balbec Company is subject;
  - c) archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in so far as the right referred to in paragraph (1) is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
  - d) the establishment, exercise or defence of legal claims.

## **8.5 Right to restriction of processing**

- (1) The individual has the right to obtain a restriction of processing from each Balbec Company where one of the following applies:
  - a) the accuracy of the data is contested by the individual, for a period enabling the relevant Balbec Company to verify the accuracy of the personal data;
  - b) the processing is unlawful and the individual opposes the erasure of the personal data and requests the restriction of their use instead;
  - c) the relevant Balbec Company no longer needs the personal data for the purposes of the processing, but the individual requires them for the establishment, exercise or defence of legal claims;
  - d) the individual has objected to processing pending the verification whether the legitimate grounds of the relevant Balbec Company override those of the individual.
- (2) Where processing has been restricted under paragraph (1), such personal data shall, with the exception of storage, only be processed with consent of the individual or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.
- (3) Each Balbec Company informs the individual whose request has served as grounds for the restriction based on the aforesaid, before the restriction of processing is lifted.

## **8.6 Notification obligation regarding rectification or erasure of personal data or restriction of processing**

Each Balbec Company will communicate any rectification or erasure of personal data or restriction of processing to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. Each Balbec Company informs the individual about those recipients if he/she so requests.

## **8.7 Right to data portability**

- (1) The individual has the right to receive the personal data concerning him/her, which he/she has provided to the relevant Balbec Company in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the relevant Balbec Company, where:
  - a) the processing is based on consent or on a contract; and
  - b) the processing is carried out by automated means.
- (2) In exercising the right to data portability pursuant to paragraph (1), the individual shall have the right to have the personal data transmitted directly from one controller to another (thus from the relevant Balbec Company to another controller), where technically feasible.
- (3) Exercising the aforesaid right shall be without prejudice to provisions concerning the right to erasure ('right to be forgotten') and, further, this right shall not adversely affect the rights and freedoms of others.

## **8.8 Right to object**

- (1) **The individual has the right to object, on grounds relating to his/her particular situation, at any time to processing of personal data concerning him/her for the purposes of legitimate interests. In this case the relevant Balbec Company will no longer process the personal data unless it demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the individual or for the establishment, exercise or defence of legal claims.**

- (2) **Where the processing of personal data serves direct marketing purposes the individual is entitled to object to the processing of personal data regarding him/her for such purposes, including profiling, in so far as the latter relates to direct marketing.**
- (3) If the individual objects to the processing of personal data with the aim of direct marketing, then the personal data can no longer be processed for this purpose.
- (4) In connection with the use of services related to information society, the individual may resort to his/her right of objection, with deviation from Directive No 2002/58/EC, by means of automated devices based on technical requirements.
- (5) Where personal data are processed for scientific or historical research purposes or statistical purposes, the individual, on grounds relating to his/her particular situation, has the right to object to processing of personal data concerning him/her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

### **8.9 Right to lodge a complaint with a supervisory authority**

The individual has the right to lodge a complaint with a supervisory authority, in particular in the Member State of his/her habitual residence, place of work or place of the alleged infringement if he/she considers that the processing of personal data relating to him/her infringes the GDPR. In Luxembourg, the competent supervisory authority is the Commission nationale de la protection des données (CNPD) (<https://cnpd.public.lu/fr.html>); address: 15, Boulevard du Jazz, L-4370 Belvaux; telephone: (+352) 26 10 60 -1.

### **8.10 Right to an effective judicial remedy against a supervisory authority**

- (1) The individual has the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning him/her.
- (2) The individual has the right to an effective judicial remedy where the supervisory authority which is competent does not handle a complaint or does not inform him/her within three months on the progress or outcome of the complaint lodged.
- (3) Proceedings against a supervisory authority shall be brought before the courts of the Member State where the supervisory authority is established.

### **8.11 Right to an effective judicial remedy against the relevant Balbec Company or the processor**

- (1) Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority, any individual has the right to an effective judicial remedy where he/she considers that his/her rights under the GDPR have been infringed as a result of the processing of his/her personal data in non-compliance with the GDPR.
- (2) Proceedings against each Balbec Company or a processor shall be brought before the courts of the Member State where the relevant Balbec Company or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the individual has habitual residence. In Luxembourg, the general court has jurisdiction in these kinds of proceedings. The proceedings can be brought - according to the choice of the individual concerned - before the general court where one has its habitual residence or place of stay.

## APPENDIX

### COVID-CHECK PRIVACY NOTICE

#### 1. CONTEXT

This Covid-Check Privacy Notice (as defined below) should be read in conjunction with Balbec Luxembourg Privacy Notice (incorporating HR related privacy provisions), available at: <https://3dhelx4evoin2eyotu27gat5-wpengine.netdna-ssl.com/wp-content/uploads/2021/12/Balbec-Data-Protection-Notice-Luxembourg.pdf>.

The terms not defined in the Covid-Check Privacy Notice should have the meaning given to them in the Balbec Luxembourg Privacy Notice. In case of discrepancies, the terms of the Covid-Check Privacy Notice should prevail.

This Covid-Check Privacy Notice covers the processing of personal data as outlined below of (i) persons being in an employment relationship with one of the Balbec (as defined below) entities, as well as of (ii) persons having a different status, such as agency workers, consultants, service providers, students, interns or equivalent, etc.. For ease of reading, the term “employee” shall be used in this Covid-Check Privacy Notice for all of these persons, irrespective of actual status, being stated that this mere reference may under no circumstances create a de facto employment relationship between persons having a different status and one of the Balbec entities.

##### (a) Processing of the Certificate

The amended law of 17 July 2020 on measures to combat the Covid-19 pandemic (the **Covid Law**) provides that every employee is required to be able to present at his or her work place a certificate with a QR code. The accepted certificates are either:

- a certificate of vaccination or certificate of contraindication to vaccination against Covid-19 accompanied by a Covid-19 test certificate or the negative result of a self-diagnostic test carried out onsite (see Article 3bis of the Covid Law);
- a certificate of recovery (see Article 3ter of the Covid Law); or
- a certificate of negative test (the validity of which is 48 hours for a PCR test and 24 hours for an antigen test) (see Article 3quater of the Covid Law).

(each a “**Certificate**” and together the “**Certificates**”).

This covid-check privacy notice (the **Covid-Check Privacy Notice**) is issued by Balbec (as defined, for the purposes of this Covid-Check Privacy Notice below), acting as data controller. The aim is to properly inform you of the processing of your personal data, in accordance with Data Protection Legislation (including the General Data Protection Regulation in relation to the processing of personal data related to Covid-Checks. The Covid Law requires us, as your employer, to verify your compliance with this obligation and to refuse access to our offices if you do not comply. This requires us to process the validity of your certificate by scanning the QR code on your certificate with the dedicated app made available by the government.

##### (b) List of vaccinated or recovered persons

In accordance with the Covid Law, Balbec can keep, on a voluntary basis a list of employees who either have a certificate of vaccination or certificate of recovery (the **List**). This List aims at facilitating checks during controls and to avoid the need for vaccinated or recovered persons to present their Certificate every time they enter the workplace.

Vaccinated or recovered persons on the List can therefore access Balbec premises without presenting a Certificate by demonstrating their registration on the List. The registration is without prejudice to the right

of Balbec (either through its employees or through external service providers) to verify the identity of the persons concerned, if necessary by comparing it with the identity document.

The registration to such List is based on consent only. You may withdraw such consent at any time by contacting Balbec at the contact details indicated below and without any justification. The absence of registration or withdrawal will not entail any consequences (e.g. no disciplinary measures or similar) and will simply mean that you do not wish to use such means to be granted access.

## 2. INFORMATION

<p>Information on the data controller</p>	<p>The relevant entity is the one employing you or which you are entering the premises, and as listed in Balbec Luxembourg Privacy Notice (hereafter <b>Balbec</b>).</p> <p>If you have any questions or comments or want to exercise your rights, you may contact <a href="mailto:privacy@balbec.com">privacy@balbec.com</a> or by mail to the address set out in the EU Privacy Notice of Balbec Capital LP</p>
<p>Categories of personal data processed</p>	<ul style="list-style-type: none"> <li>• Your first and last names; and</li> <li>• Your Certificate's period of validity.</li> </ul>
<p>Sources</p>	<p>The personal data are collected directly from you.</p>
<p>Legal basis of the processing</p>	<p>(a) Processing of the personal data</p> <p>Balbec will process the personal data to comply with the Covid Law (i.e. to implement the Covid-Check regime). Such processing is lawful based on:</p> <ul style="list-style-type: none"> <li>• Article 9(2)(b); and</li> <li>• Article 6(1)(c) GDPR.</li> </ul> <p>This processing covers the collection of data as required by the Covid Law.</p> <p>(b) Establishment of the List</p> <p>In addition, insofar you have given Balbec your consent in accordance with Article 9(1)(a) and Article 6(1)(a) GDPR for your inclusion on the List, such consent will serve as a legal basis for the establishment and maintenance of the List.</p> <p>You can withdraw your consent to be mentioned on the List at any time by contacting Balbec and without any justification. The absence of registration to the List or withdrawal will not entail any consequences and will simply mean that you do not wish to use such means to be granted access.</p> <p>The Covid Law further requires us to ensure that you are the true owner of the Certificate by comparing it with the information on your identity card.</p>

Purposes of the processing	<p>The purposes of the processing are as follows:</p> <ul style="list-style-type: none"> <li>• to comply with Balbec’s legal obligations to implement the Covid-Check regime, pursuant to the Covid Law;</li> <li>• to ensure the protection and safety of all the persons who access to the premises;</li> <li>• to control and facilitate access to our premises; and</li> <li>• to ensure that you do not have to show your Certificate each time you enter our premises, only where you have registered on the List.</li> </ul>
Data recipients	<p>The following recipients may receive your personal data:</p> <ul style="list-style-type: none"> <li>• An extremely limited number of our employees, appointed specifically for the purpose of verifying your Certificate’s validity; and</li> <li>• Upon request, the ministry of health and/or any other competent authority, courts, parties to a litigation, or police forces.</li> </ul>
Location of transferred data	<p>Your personal data will be processed in the European Economic Area.</p> <p>Balbec does not intend to transfer the data collected as part of the application of the Covid-Check regime to any other country qualified as a third country within the meaning of GDPR.</p>
Retention period	<p>The processing shall cease upon the end of the compulsory application of the Covid-Check regime as foreseen by the Covid Law. All your personal data will be erased after such date, including our internal list.</p>
Your rights	<ul style="list-style-type: none"> <li>• The right of access to the processing of your personal data and the right to rectify any discrepancy with your personal data (Articles 15 and 16 of the GDPR)</li> <li>• The right to erase your personal data (“right to be forgotten”) if Balbec no longer has a legal basis for the processing, if Balbec is legally obliged to erase them (Article 17 of the GDPR) or if you have withdrawn your consent to be included in the List.</li> <li>• The right to restrict the processing (i) if you contest the accuracy of your personal data for a period enabling Balbec to verify the accuracy of the personal data, (ii) if the processing is unlawful and you oppose the erasure of the data and request the restriction of their use instead, (iii) if Balbec intends to delete your personal data but they are necessary for you to establish, exercise or defend your rights, or (iv) if you have objected to the processing pending the verification whether Balbec’s legitimate grounds override yours (article 18 of the GDPR).</li> <li>• The right to object, at any time, on grounds relating to your particular situation, to the processing of your personal data based on the legitimate interests referred to above. In the event of objection on your part, Balbec will no longer process your personal data unless Balbec can demonstrate compelling legitimate grounds for the</li> </ul>

	<p>processing which override your interests, rights and freedoms, or unless the data are necessary to establish, exercise or defend legal rights (Article 21 GDPR).</p> <ul style="list-style-type: none"> <li>• You have the right to lodge a complaint with the Luxembourg data protection authority, the <i>Commission nationale pour la protection des données</i> (CNPD) or with another competent supervisory authority in the European Union (e.g. in your country of residence). Balbec will of course be at your disposal to clarify your request beforehand.</li> <li>• You have the right to withdraw your consent at any time. This will not affect the lawfulness of processing based on consent before its withdrawal. The withdrawal only affects future processing. You can withdraw you consent to be added to the List by contacting Balbec at any time.</li> </ul>
<p>Amendments of this Covid-Check Privacy Notice</p>	<p>Balbec may amend this Covid-Check Privacy Notice from time to time to ensure that you are fully informed about all processing activities and Balbec's compliance with applicable Data Protection Legislation. You will be notified of material changes to the Covid-Check Privacy Notice by appropriate means.</p>