

# EU GENERAL DATA PROTECTION REGULATION (THE “GDPR”)

## PRIVACY NOTICE

### THAI FOCUSED EQUITY FUND LIMITED

#### EU GENERAL DATA PROTECTION REGULATION MATTERS

The EU General Data Protection Regulation (Regulation (EU) 2016/679) (together with applicable implementing laws, the “GDPR”) applies, to the extent relevant, to the processing of personal data by Thai Focused Equity Fund Limited (“TFE”) in the course of their businesses. This notice sets out information relating to those activities.

#### **TFE**

TFE is incorporated in British Virgin Islands and its registered office is at British Virgin Islands.

TFE is a controller of personal data for the purposes of the GDPR and will, in the course of its business, process personal data. As a controller, TFE is responsible for ensuring that such processing is compliant with the GDPR. Information regarding such processing is set out herein.

Any person seeking information with respect to control or processing of personal data by TFE or seeking to exercise any rights afforded to them under the GDPR should contact Doug Barnett at [doug@questthai.com](mailto:doug@questthai.com).

Under the GDPR, any person wishing to is entitled to make a complaint with respect to TFE’s control or processing of personal data directly to the relevant supervisory authority for data protection issues. In the UK, this is the Information Commissioner’s Office (“ICO”). Contact details for the ICO may be found at [www.ico.org.uk](http://www.ico.org.uk).

The policies and procedures adopted by TFE with respect to the control or processing of personal data may be amended from time to time. Similarly, the purposes for which TFE may control or process personal data may change from time to time. If any changes would require a material amendment to the information set out herein, details of such changes will be made available in the current version of this document from time to time.

#### *Summary of Personal Data*

For the purposes of the GDPR, personal data means any information about an individual from which that person can be identified. In the course of its business, TFE may collect, use, store and transfer personal information from individuals that are employees, prospective employees, directors, officers or other representatives or agents of market counterparties, professional services and other service providers, trade associations, public bodies and other entities or undertakings. Such personal data includes, for example, the name and contact details of such individuals, as well as some technical data (such as internet protocol addresses), usage data and information about marketing and communication preferences.

#### *Collection of Personal Data*

TFE may collect personal data through a range of means. These may include: direct interactions (where a person provides personal data to TFE through correspondence or other direct methods of communication), through third-party service providers (for example, recruitment agents) or publicly available sources (where TFE receives personal data through a publicly available source such as a website or publicly-available registry).

#### *Use of Personal Data*

TFE will only process personal data in circumstances where it has established a lawful basis under the GDPR to do so. These circumstances include where the processing of the relevant data relates to a legitimate interest of TFE, further described below. In such circumstances TFE will have established that the processing is necessary for the relevant purpose, and not inconsistent with the interests, rights or freedoms of a relevant data subject.

In accordance with the above, TFE has determined that the lawful bases for its processing of personal data are the legitimate interests of TFE to undertake activities necessary and ancillary to the carrying on of an investment management business, including where necessary for the purposes of carrying out its activities relating to any fund, vehicle or account in respect of which TFE acts as manager, investment manager, sub-investment manager, investment adviser or sub-investment adviser (the “**Funds**”), the administration of the Funds, the investment activities of the Funds, otherwise in furtherance of any contract entered into with respect to the activities of the Funds, to exercise and comply with the relevant Fund’s or TFE’s rights and obligations at law or under regulation where such obligations are not set out under the laws of any member state of the European Economic Area (“**EEA**”), to establish, exercise or defend legal claims and in order to protect and enforce its (or another person’s) rights, property, or safety, or to assist others to do the same, and in order to provide information about its services and any investment products it offers.

In addition, TFE may also control or process personal data where necessary to comply with legal or regulatory obligations applicable to them under the laws of the European Union or any member state of the EEA, or in order to give effect to a contract, or to take necessary pre-contractual steps with a view to potentially entering into a contract (including in its capacity as an employer or a prospective employer), to the extent applicable.

TFE may from time to time control or process personal data for the purposes of operating its business, entering into contractual arrangements in the context of its investment management business, including in respect of the Funds marketing, and advertising the Funds and/or other investment vehicles and/or services related to TFE. Any person subject to the GDPR who does not wish their personal data to be processed for marketing purposes may opt out of such processing by notifying Doug Barnett at [doug@questthai.com](mailto:doug@questthai.com).

TFE will only use personal data for the purposes that it has been collected for, unless it reasonably considers that it needs to use it for another reason and that reason is compatible with the original purpose of the control or processing. Any person requiring information with respect to any additional purpose for which personal data may be controlled or processed may obtain such information from Doug Barnett at [doug@questthai.com](mailto:doug@questthai.com). If TFE needs to control or process personal data for an unrelated purpose, TFE will use its reasonable endeavours to notify affected persons and to explain the basis on which they are permitted to undertake the same.

#### *Disclosure of Personal Data*

TFE may share personal data with certain third parties for the purposes set out above. The relevant third parties with whom such personal data may be shared include entities appointed to provide services to the Funds and their affiliates (including professional advisors such as law firms and accountancy firms), and regulatory, legal and tax authorities. Further details of the third parties with whom personal data may be shared are available on request from Doug Barnett at [doug@questthai.com](mailto:doug@questthai.com). Wherever possible, personal data will only be disclosed by TFE to a third party in circumstances where that third party has agreed to respect the security of personal data and treat it in accordance with applicable law. TFE will seek to ensure that third parties to whom any personal data may be disclosed will not use personal data for their own purposes and only process personal data for specified purposes and otherwise in accordance with the instructions of TFE and/or with the GDPR.

#### *Transfer of Personal Data outside the European Economic Area*

The activities of TFE are such that it may be necessary for personal data to be transferred and/or processed outside the EEA.

In circumstances where TFE transfers personal data outside the EEA, they will seek to ensure a similar degree of protection is afforded to it by ensuring that personal data is generally transferred only to persons in countries outside the EEA in one of the following circumstances.

- To persons and undertakings in countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- To persons and undertakings to whom the transfer of such personal data is made pursuant to a contract that is compliant with the model contracts for the transfer of personal data to third countries from time to time approved by the European Commission.
- To persons and undertakings based in the United States if they are part of the EU-U.S. Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the United States.

Further information on specific mechanisms utilised by TFE transferring personal data outside the EEA and the countries to which such transfer may be made may be obtained from Doug Barnett at [doug@questthai.com](mailto:doug@questthai.com).

#### *Data Retention*

TFE will retain personal data for as long as necessary to fulfil the purposes for which it has been collected. This will include any period of retention required to satisfy any legal, regulatory, taxation, accounting, regulatory or reporting requirement applicable to TFE.

In determining the appropriate retention period for any personal data, TFE will consider the amount, nature and sensitivity of the data, the potential risk of harm from unauthorised use or disclosure of the data, the purpose for which the relevant data is being processed, the extent to which the purposes for which the relevant data is being processed can be achieved by other means and any applicable legal requirements. Without prejudice to the generality of the foregoing, TFE has determined that it will retain records for at least six years.

Details of retention periods applicable to personal data subject to the GDPR are available upon request from Doug Barnett at [doug@questthai.com](mailto:doug@questthai.com). In some circumstances, a person may request that TFE deletes any personal data retained by it. Further, in some circumstances, TFE may anonymize personal data for research or statistical purposes, in which case such information may be retained and utilised indefinitely without further notice.

#### *Rights of Persons*

Under the GDPR, persons whose data is processed by TFE will have certain rights. These rights include

- (a) the right to obtain information regarding the processing of personal data and to access to the personal data that TFE holds;
- (b) in some circumstances, the right to receive some personal data in a structured, commonly used and machine-readable format and the right to request that TFE transmits that data to a third party where this is technically feasible. Please note that this right only applies to personal data which the data subject has provided to TFE;
- (c) the right to request that TFE rectifies personal data if it is inaccurate or incomplete;
- (d) the right to request that TFE erases personal data in certain circumstances. Please note, however, that there may be circumstances where TFE is legally entitled to retain such personal data;

- (e) the right to object to, and the right to request that TFE restricts, its processing of personal data in certain circumstances. Again, there may be circumstances where TFE is legally entitled to continue processing the personal data or to refuse that request; and
- (f) the right to lodge a complaint with a data protection supervisory authority (such as the UCO in the UK) if the data subjects thinks that any of their rights have been infringed by TFE.

Any person seeking to exercise any such right should contact Doug Barnett at [doug@questthai.com](mailto:doug@questthai.com) . In certain circumstances, TFE may charge reasonable fees if any such request is clearly unfounded, repetitive or excessive.