

# Privacy Notice

1 November 2023



This privacy notice (**Privacy Notice**) informs our clients, prospective clients, business partners, and any other party (or persons acting on behalf of such party) about how Emerald Wealth Partners AG (**we/us**) treats personal data (**Data**) in accordance with the Swiss Federal Act on Data Protection (**FADP**) in connection with the provision of our services and any of the other situations set out in Section 3 below.

## 1. Controller and Contact Details

**Emerald Wealth Partners AG** is the controller for the processing of Data under this Privacy Notice, unless we tell you otherwise in an individual case.

You may contact us for data protection concerns and to exercise your rights under Section 6 as follows:

**Emerald Wealth Partners AG**  
Weinbergstrasse 100  
8802 Kilchberg  
Switzerland  
info@emeraldwealthpartners.ch

## 2. What is this Privacy Notice about?

As a financial company, we collect and process personal data related to our Services from our customers', custodian banks and other parties. We may also use Data from further third-party or public sources, such as Due Diligence solutions and government registries.

We need to collect, share and process this personal data in order to run our everyday business. If we cannot obtain the required information, we may not be able to process your request, enter into or negotiate a contract and provide you with our Services.

If you disclose data to us or share data with us about other individuals (e.g. ultimate beneficial owners, relatives, etc.), we assume that the data is accurate. By sharing this data, you confirm that you are authorized to do so. Please inform the affected individuals about this Privacy Notice.

## 3. Processed data and purpose

In the standard course of business we process various categories of data. The main categories of data are the following:

- 3.1. Service data and contract data:** The data required to provide you with our services include any information required or obtained from you or other third parties, such as Contract Data, date of birth, nationality, identity document details, title, profession, financial details (incl. source of wealth, shareholdings), client history, sanctions, your feedback, etc.).

When entering into, negotiating or performing a contract with you, we may collect data relating the services to be provided, as well as data from the period leading up to the conclusion of a contract, information required or

used for performing a contract and information about feedback (Contract Data).

In general, Service Data will be used for the provision of services, including invoicing and to comply with the applicable regulatory and legal requirement as well as our internal regulations (e.g. know-your-customer procedures and compliance with anti-money-laundering and fraud prevention obligations).

When determining your identity, we collect data to identify you (e.g. a copy of an ID/passport). We generally keep this data as long as required to comply with legal, regulatory or contractual requirements, for evidentiary purposes or technical reasons. Emails in personal mailboxes and written correspondence are generally kept for at least 10 years.

- 3.2. Communication data:** Furthermore, when providing our Services, we may collect and process emails, letters and other communications between you and us, including metadata of the communication.

We process your data for purposes related to communication with you, in particular in relation to responding to inquiries and the exercise of your rights and to enable us to contact you in case of queries. For this purpose, we use in particular communication data and master data. We keep this data to document our communication with you, for quality assurance and follow-up inquiries.

- 3.3. Other purposes:** We process personal data to comply with laws, directives and recommendations from authorities, internal regulations. Further, we process data for the purposes of our risk management and as part of our corporate governance, including business organisation and development. We may also process your data to improve our services and operations and for security and access control purposes.

We process data for the conclusion, administration and performance of contractual relationships. For relationship management purposes, we may send newsletters and other regular contacts.

## 4. With whom do we share your data?

We may make your Data available to the following recipients (in compliance with the applicable legal requirements):

- a) External service providers (e.g. financial institutions, IT services providers, compliance services providers, administrative services providers, including providers of digital signature services and document destruction services, etc.);
- b) Other involved parties (where relevant, e.g. if a person has power of attorney over your affairs or if the Services require the disclosure of certain Data to counterparties, etc.);
- c) Legal and professional advisors, including accountants and auditors;

- d) Competent authorities, including supervisory, tax, debt collection and bankruptcy authorities, courts, arbitral tribunals or bar associations (if it is necessary to provide our Services, if we are legally obliged or entitled to such disclosure or if it appears necessary to protect our interests)

Data is generally not shared outside of Switzerland except in cases where the client has a custody agreement with a non-Swiss financial institution. In certain circumstances we may transfer your data to countries, which do not offer adequate protection pursuant to the FADP and/or GDPR such as the US and potentially other countries. To the extent such countries do not offer adequate protection, the transfer is secured by appropriate safeguards (such as Standard Contractual Clauses) or based on a statutory exemption (e.g. if you have given your consent to the transfer, if the transfer is directly connected with the conclusion or performance of a contract with you).

## 5. Storage periods, erasure and protection of data

We process your data for as long as our processing purposes, the legal retention periods and our legitimate interests in documentation and keeping evidence requires or storage is a technical requirement. If there are no contrary legal, contractual, or business obligations, we will delete your data once the storage or processing period has expired.

## 6. Your rights

You have the right to request information about your Data we process and further rights regarding such data processing. In particular, you have – or may have, depending on the circumstances – the right to:

- a) To request information from us as to whether and what data we process from you, including copies of such information us (to the extent technically feasible);
- b) To have us correct data if it is inaccurate;
- c) To request the deletion of your data (to the extent we are not under a legal obligation or have an overriding or legitimate interest to retain such data).
- d) To revoke your consent to the extent you have previously given your consent to any specific purpose of processing of your Data. This will not affect the lawfulness of any processing carried out before you have withdrawn your consent (or any processing based on any legal basis other than your consent) and it may mean that we will no longer be able to provide our Services to you.
- e) Right to restriction of processing of personal data.

Please note, however, that we reserve the right to enforce statutory restrictions on our part, for example if we are obliged to retain or process certain data, have an overriding interest (insofar as we may invoke such interests) or need the data for asserting claims. The exercise of these rights may be in conflict with our contractual obligations and this may result in consequences such as premature contract termination or additional costs. If this is the case, we will inform you in advance unless it has already been contractually agreed upon.

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In case you wish to exercise any of these rights, please contact us as specified in Section 1. Before responding to your request, we may ask for proof of identity to prevent misuse.

## **7. Data Security**

We take appropriate security measures in order to maintain the required security of your personal data and ensure its confidentiality, integrity and availability, and to protect it against unauthorized or unlawful processing and mitigate the risk of loss, accidental alteration, unauthorized disclosure and access. Despite these security measures, we cannot completely eliminate the security risks associated with data processing.

## **8. Complaints / Regulatory Authority**

In general, every data subject has the right to lodge a complaint with the appropriate data protection authority. The data protection authority in Switzerland is the Federal Data Protection and Information Commissioner, Feldeggweg 1, 3003 Berne, Switzerland (<https://www.edoeb.admin.ch>).

## **9. Changes to this Privacy Notice**

We may amend this Privacy Notice at any time without prior notice. The current version published on our website shall apply.