



Privacy Notice

June 2019

Asante Capital Group

Privacy Notice

1. Introduction

Asante Capital Group (“**Asante**” or “**we**”) is committed to protecting the security and privacy of data subjects’ (“**you**” or “**your**”) personal data when processing the same. Asante endeavours to ensure that any personal data we collect about you will, where relevant, be held and processed in accordance with either the European General Data Protection Regulation (“**GDPR**”) or the Personal Data (Privacy) Ordinance (Cap. 486; the “**PDO**”) depending on your location and the location of the Asante counterparty that you deal with.

2. GDPR or PDO?

- 2.1. Asante is a multi-jurisdictional business with operational footprints both within and outside the EEA. GDPR is directly applicable to Asante Capital Group LLP (“**Asante UK**”; see further below) and the DPO is directly applicable to Asante Capital Group HK Limited (“**Asante HK**”). Asante Capital Group Advisors, LLC (“**Asante US**”) is not directly covered by the provisions of either GDPR or the PDO but has elected to comply with the provisions of GDPR where necessary, principally when dealing with personal data of EU based data subjects.
- 2.2. To the extent that you are an EU data subject dealing directly with Asante HK, your interaction will *prima facie* be governed by the provisions of the PDO, but we will also consider the provisions of GDPR in connection with any processing activities undertaken where necessary to ensure that your fundamental rights and freedoms are not prejudiced.
- 2.3. In taking this approach, the Asante Capital Group does not guarantee that the legislative protections contained in GDPR will always be applicable to our handling of your personal data and our processing activities may instead be governed either by the PDO or simply through our optional Group compliance with GDPR.

3. Scope

- 3.1. This Privacy Notice demonstrates how we handle the personal data you provide to us, or which we collect about you, in the following ways (your “**Data**”):
 - (a) by you submitting Data to us through our website www.asantecapital.com or from what we learn about you from your visit to our website;
 - (b) by you or a third party (such as your employer) submitting information to us when you complete one of our surveys;
 - (c) by you or a third party (such as your employer) submitting Data to us in the course of us providing services to you or a third party (such as your employer);
 - (d) by you or a third party (such as your employer) submitting Data to us where we are seeking to obtain services from you or a third party (such as your employer) as a supplier/service provider;
 - (e) as a result of us using your Data (whether obtained from you, a third party or the public arena) to contact you about potential investment opportunities in connection with our appointment to provide placement and other fund-raising services to our clients;
 - (f) as a result of us collecting Data about you from third party sources such as Preqin, organisers of events we sponsor or other publicly available sources, such as your employer’s website; and

(g) as a result of you applying (directly or indirectly through a third party) to be employed by us.

- 3.2. Please note that our data collection and processing also includes call recording for any calls made to or from our UK landline and mobile numbers. Call recording is in place in order to satisfy our legal requirements as an investment management business under the Markets in Financial Instruments Directive and associated UK implementing legislation.

4. Identity and contact details of data controller

- 4.1. Where Asante is not acting as a data processor, one of Asante UK, Asante US or Asante HK will be the controller of your Data.
- 4.2. Additionally, in certain circumstances, we may agree with our clients that both we and our clients will act as joint controllers in connection with the processing of Data (in particular of EU corporate finance contacts).
- 4.3. If you are not clear about this point or if you have any queries regarding this policy or complaints about our use of your Data, please contact us at info@asantecapital.com or feel free to contact any of our partners directly. If you would rather contact us by post, please use the following address:

Asante Capital Group
25 Old Burlington Street
London
W1S 3AN

FAO: Data Processing

5. Hong Kong data protection officer

Where you are dealing directly with Asante HK, our Data Protection Officer (“DPO”) is the principal contact for any data protection related queries. Please note that the DPO role is specific to Asante HK and should not be confused with the wider requirements under GDPR to appoint a data protection officer (where relevant). Asante HK’s DPO is Warren Hibbert who can be contacted at:

Asante Capital Group HK Limited
Unit 4468, 43/F & 44/F Champion Tower
3 Garden Road
Central
Hong Kong

FAO: Data Protection Officer

6. European data protection representative

- 6.1. Where Asante US or Asante HK is considered to be acting as a data controller under GDPR, they have each appointed Asante UK as their data protection representative. Asante UK may therefore be contacted in connection with any queries that you have covering the processing activities of either Asante US or Asante HK under GDPR. This will principally be relevant if you are an EU data subject dealing directly with Asante US or Asante HK.
- 6.2. Contact details for Asante UK are set out in paragraph 4 above.

7. What we use your Data for

- 7.1. The table in Schedule 1 to this Privacy Notice sets out the categories of your Data that we hold, the purposes for which we may process your Data and the legal basis for the processing. For the avoidance of doubt, under GDPR the processing activities of Asante US and Asante HK as data controller should be limited to processing Data of corporate finance contacts that are EU based. Asante HK completes the full range of data processing activities under the PDO.
- 7.2. Any Group entity may use any of the following Data belonging to you for direct marketing purposes:
- (a) name;
 - (b) telephone number(s);
 - (c) residential and/or correspondence addresses; and
 - (d) email address(es).
- 7.3. Your Data may be used for the direct marketing of any of our products and services which at present include primary fundraising services, secondary transactional services and direct deal capital raising services together with any related services that we may provide from time to time. You may decide whether or not to allow us to use your Data for direct marketing and may opt out of receiving any direct marketing communications from us either at the time at which the communication is received or at any other time by contacting us using the info@asantecapital.com email address.
- 7.4. Your Data has been collected by us on a voluntary basis. If you do not wish for us to process your Data, please contact us using the details set out above. If we are unable to process your Data, we will not be able to involve you in any of our service activities as set out in paragraph 7.3 above.

8. Data security

- 8.1. We have put in place appropriate security measures to prevent your Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your Data to those individuals who have a business need to know.
- 8.2. We have put in place procedures to deal with any suspected Data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

9. Who we share your Data with

- 9.1. We may on occasion be required to share your Data with the following categories of recipients:
- (a) other Asante Group entities as detailed above;
 - (b) third parties who provide services to us or on our behalf. For example, we use third parties such as Box, FolioMetrics, Ring Central and Mimecast as part of our IT infrastructure and engage with a number of other third parties as part of our wider business. A full list of all our third-party service providers that potentially have access to your Data is available on request.
 - (c) other Asante Group clients and corporate finance contacts where this is necessary in connection with the performance by us of services to our clients;
 - (d) in other cases:

- (i) where we are required to do so by law or enforceable request by a regulatory body;
- (ii) where it is necessary for the purpose of, or in connection with legal proceedings or in order to exercise or defend legal rights; or
- (iii) if we sell our business, go out of business, or merge with another business.

10. International Transfers

EU to third country transfers

- 10.1. In certain circumstances, we may transfer your Data to countries outside the EEA, which may not adhere to the same levels of data protection to which countries within the EEA are subject. Any such transfers are, at all times, made in accordance with the GDPR.
- 10.2. In order to cover intragroup transfers of your Data from Asante UK to Asante US and Asante HK we have entered into standard contractual clauses approved by the European Commission with these Asante Group counterparties. The standard contractual clauses impose strict controls and restrictions on how Asante US and Asante HK can process your Data, who they can in turn share your data with and what security they need to have in place in order to protect your Data.
- 10.3. Please note that as members of the wider Asante Group both Asante US and Asante HK use the same IT infrastructure and security protocols as Asante UK (and Asante HK is separately subject to the provisions of the PDO) and as such the standard of protection offered in connection with your Data will be identical whether it is processed by Asante UK, Asante US or Asante HK. Signed copies of the standard contractual clauses are available on request.
- 10.4. For the avoidance of doubt, the standard contractual clauses will be applicable in circumstances where Asante UK is the data controller and either or both of Asante US or Asante HK are processing Data on behalf of Asante UK as its data processor.
- 10.5. Non-group transfers will also be dealt with using either standard contractual clauses or binding corporate rules or by using other mechanisms approved under GDPR.

Transfers out of Hong Kong under the PDO

- 10.6. In certain circumstances, Asante HK will transfer your Data to countries outside of Hong Kong, which may not adhere to the same levels of data protection to which Hong Kong is subject. Any such transfers are, at all times, made in accordance with the PDO and our internal procedures on data protection.
- 10.7. Our internal procedures mandate that any data recipients must process data with at least the same level of care and diligence that we would have to apply under Hong Kong law.
- 10.8. For intragroup transfers, please refer to paragraph 10.3 above.

11. Retention Period

- 11.1. We will only retain your Data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, tax, regulatory or reporting requirements. To determine the appropriate retention period for your Data, we consider the amount, nature, and sensitivity of your Data, the potential risk of harm from unauthorised use or disclosure of your Data, the purposes for which we process your Data and whether we can achieve those purposes through other means, and the applicable legal requirements

11.2. As a general rule this means that your Data will be stored for a maximum period of 6 years from the date on which our relationship with you ends, after which time it will be put 'beyond use' if it is no longer required for the lawful purpose(s) for which it was obtained.

12. Your rights in relation to your Data

12.1. Under the GDPR and the PDO, you have the following rights in relation to how we process your Data:

- (a) **right to request access:** you may obtain confirmation from us as to whether or not your Data is being processed and the kind of personal data held by us and, where that is the case, you may request access to your Data together with details of our policies and practices in relation to personal data;
- (b) **right to rectification and erasure:** you have the right to obtain rectification of inaccurate Data we hold concerning you and to obtain the erasure of your Data without undue delay in certain circumstances;
- (c) **right to restriction of processing:** you may require us to restrict the processing we carry out on your Data in certain circumstances;
- (d) **right to data portability:** you have the right to receive your Data in a structured, commonly used and machine-readable format;
- (e) **right to withdraw consent and object to processing:** where you have provided your consent to us processing your Data, you have the right to withdraw your consent at any time. Additionally, where we are relying on legitimate interests to process your Data you have the right to object to such processing. You also have the right to object to direct marketing which uses your Data. This can be done by emailing info@asantecapital.com at any time; and
- (f) **right to lodge a complaint:** under GDPR you may lodge a complaint with any supervisory authority in the EU. The supervisory authority for the United Kingdom is the Information Commissioner's Office. Under the PDO you may lodge a complaint with the data protection authority in Hong Kong. The supervisory authority for Hong Kong is the Privacy Commissioner for Personal Data ("PCPD").

12.2. For further information on your rights under GDPR, please see the Information Commissioner's website [here](#). For further information on your rights under the PDO, please see the website of the PCPD [here](#).

12.3. Please note that, in circumstances where you are seeking to exercise your rights as a data subject, we may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that your Data is not disclosed to any person who does not have a right to receive it.

13. Additional Information

13.1. We do not undertake automated decision-making or profiling of your Data.

13.2. We keep our data protection policy (including this Privacy Notice) under constant review and may change it from time to time to reflect our practices or to remain compliant with relevant legislation. We will notify you of any material changes to our Privacy Notice at which point you will be given the option to request that we cease processing your Data.

Schedule 1

Categories of data processed, purposes for processing and legal basis

Data subject	Categories of data	Purpose	Legal basis for processing
Website users	Personal details	Direct marketing Responding to queries	Legitimate interests Consent
Third party service providers	Personal details Goods and services provided	Direct marketing Fundraising/client activities Discharging contractual obligations	Legitimate interests Legal compliance
Corporate finance contacts	Personal details Family, lifestyle and social circumstances	Direct marketing Fundraising/client activities Surveys	Legitimate interests Consent
Clients	Financial details Employment, training and education details Goods and services provided		Performance of contract Legitimate interests Legal compliance Consent
Applicants	Personal details Family, lifestyle and social circumstances Financial details Employment, training and education details Physical and mental health details Racial and ethnic origin	Creation of employment relationships	Legitimate interests Consent

Interpretation

Consent:	<p>in the context of the table above, should be construed as follows:</p> <ul style="list-style-type: none">(a) Website users: to the extent relevant consent given by the relevant user clicking on an 'I consent' button embedded in a pop-up banner on the website covering the processing of Data using cookies;(b) Corporate finance contacts: may cover consent to process Data under GDPR but is really aimed at consent to receive marketing communications under relevant marketing laws. Consent here will be by way of soft opt in which means that we will contact corporate finance contacts and give them the opportunity to opt out of receiving further communications from us; and(c) Clients: consent given by our clients in our terms of business for us to process Data provided by our clients about data subjects at our clients and about other data subjects (e.g. at pre-existing investors in client funds or client owned portfolio companies) in our capacity as data processor;
Corporate finance contacts:	any data subject entered in our Client Relationship Management database that is not a client;
Direct marketing:	keeping data subjects informed of any activities undertaken by us which we believe may be of interest to the data subjects and this may include sending data subjects email and postal marketing from time to time, calling data subjects up or sending them requests to respond to a survey;
Discharging contractual obligations:	covers our activities in connection with the discharge of our obligations under a contract with a third-party supplier or service provider. This will principally cover the processing of any Data provided by the counterparty;
Fundraising/client activities:	<p>covers the day to day activities associated with our business which may involve:</p> <ul style="list-style-type: none">(a) reviewing corporate finance contact Data and sharing details (such as individual names, organisation and location) with our clients and the wider Asante Group;(b) contacting corporate finance contacts by email and by telephone in order to present client sponsored investment opportunities; and(c) sharing Data provided by our clients (such as individual names, organisation and location) with corporate finance contacts in order to present client sponsored investment opportunities;

Legitimate interests:

in the context of the Asante business means the day to day activities that we undertake to service client work (i.e. assisting with the raising of capital for closed ended funds, secondary transactions in interests in closed ended funds and for direct investments) together with any associated middle and back office support activities as are more particularly set out in Schedule 2 to this Privacy Notice;

Responding to queries:

covers the processing of your Data (name and email address) for the purposes of responding to any questions sent to us using the info@asantecapital.com email address which is presented on the website. In responding to your query, your contact details will be stored and may be shared with other Asante Group entities; and

Surveys:

from time to time we may use client and corporate finance contact details (name and contact details) to send individual data subjects survey requests. Such requests are entirely optional and will contain further details of any processing activities that we will undertake in connection with the Data provided.

Schedule 2

Legitimate interests

1. Preventing fraud
2. Direct marketing
3. Intragroup transfers for administrative purposes
4. Ensuring network and information security
5. Reporting possible criminal acts to a competent authority
6. Enforcement of legal claims (out of court)
7. Whistleblowing and prevention of money laundering
8. Physical, IT and network security
9. Processing for (market) research purposes
10. Processing in order to provide services
11. Compliance
12. Internal risk management
13. Creating employment relationships
14. Recordkeeping and disclosure
15. General financial and regulatory reporting to authorities