

## Privacy Notice

Kite Lake Capital Management (UK) LLP ("**Kite Lake Capital**", "**we**" or "**us**") is a limited liability partnership incorporated in England and Wales with company number OC356471. Its registered office and place of business is 1<sup>st</sup> Floor, Tennyson House, 159–165 Great Portland Street, London W1W 5PA, United Kingdom. Kite Lake Capital is authorised and regulated by the Financial Conduct Authority in the United Kingdom with firm reference number 528685.

For the purposes of the General Data Protection Regulation, as implemented in the United Kingdom ("**GDPR**"), Kite Lake Capital will be the controller of the personal data you provide. This notice explains Kite Lake Capital's practices in relation to the treatment of your personal data.

### What data privacy principles does Kite Lake Capital adhere to?

- Kite Lake Capital will process all personal data in a lawful, fair and transparent manner.
- Kite Lake Capital will only collect personal data where it is necessary:
  - in relation to us providing a product or service to you;
  - in relation to you providing a product or service to us;
  - for us to inform you of our products and services;
  - for us to comply with our legal and regulatory obligations; or
  - for other purposes relating to our business.
- The personal data collected by Kite Lake Capital will be adequate, relevant and limited to what is necessary in relation to the specific purpose for which your data will be processed.
- Kite Lake Capital will take all reasonable steps to ensure that personal data is accurate and, where necessary, kept up to date.
- Kite Lake Capital will maintain personal data no longer than is necessary for the purposes for which it has been collected, in accordance with record retention requirements mandated by the Financial Conduct Authority and other authorities.
- Kite Lake Capital will hold and process personal data in a manner that ensures appropriate security.
- Kite Lake Capital will only share personal data where it is necessary to provide the agreed product or service or where it is necessary for us to comply with our legal and regulatory requirements or where it is necessary for the purposes of legitimate interests pursued by us or a third party.
- Kite Lake Capital will only use a service provider based outside the United Kingdom for the processing of personal data where this is necessary for us to provide our products or services to you or where it is necessary for us to comply with our legal and regulatory requirements. In all cases, we will ensure that any transfer of personal data is compliant with GDPR.

### What personal data does Kite Lake Capital collect and why?

The information collected will vary depending on the service Kite Lake Capital provides to you or you provide to Kite Lake Capital, but typically includes:

- Personal information: Such as your name, date of birth, passport number, tax ID or national insurance number, gender, nationality, photograph, signature, occupational history, job title, income, assets, other financial information, bank details, investment history, tax residency and any other information that might be obtained for the purpose of Kite Lake Capital's or its funds' know-your-client procedures (which include anti-money laundering procedures, counter-terrorist financing procedures, politically-exposed-person checks and sanctions checks, among other things).
- Contact information: Including your address, telephone number and email address.

- Information generated during our relationship: Including information relating to investments, emails (and related data), call recordings and website usage data.

Kite Lake Capital may collect and use your personal information for the purposes of administering the relationship between us, marketing our products and services to you or the businesses with which you are associated, complying with applicable legal or regulatory requirements, or protecting or defending our rights or property. We may also collect and use your personal information for any purpose where you have a reasonable expectation for us or a third party to collect or use your personal information for that purpose.

#### **How have I been categorised in accordance with GDPR?**

GDPR requires Kite Lake Capital to inform you of the legal basis on which we maintain your personal data. Kite Lake Capital may reach out to you personally to confirm this. However, as a general rule the following is applicable:

- Clients: Information is maintained on the basis of a contractual obligation, a legal requirement or legitimate interests.
- Service providers: Information is maintained on the basis of a contractual obligation, a legal requirement or legitimate interests.
- Database/marketing contacts: Information is maintained on the basis of legitimate interests.

#### **Necessity of personal data for certain purposes**

The provision of certain personal data by you may be necessary for us to provide products or services to you or an associated person. It may also be necessary in order for us to maintain an ongoing business relationship with you or an associated person, or for us to inform you of products and services to you or an associated person. Accordingly, if certain personal data is not provided when requested, you may not be permitted to receive services from us or invest in products managed by us, or our business relationship may be inhibited, or we may be unable to inform you of products and services.

#### **Do we share your personal information with third parties?**

Kite Lake Capital may (to the extent relevant to the purpose for which we collect your information) share your personal data with third parties, such as:

- our affiliates or other entities that are part of our group, or with our client funds and vehicles;
- regulators, courts of law, governmental, regulatory or law enforcement agencies;
- our IT, telecommunications and other service providers, including legal advisers and accountants;
- service providers and trading counterparties to our clients, including placement agents or distributors, brokers, banks, trading venues, clearing houses, custodians, corporate services providers, administrators of our client funds and vehicles, and providers of customer relationship management tools;
- credit reference agencies and other third parties conducting background checks in the context of client, counterparty or investment due diligence;
- any person, as directed by you; and
- any person to whom we transfer any of our rights or obligations under any agreement, or in connection with a sale, merger or consolidation of our business or other transfer of our assets, whether voluntarily or by operation of law, or who is otherwise deemed to be our successor or transferee.

### **How long does Kite Lake Capital retain personal data?**

As a regulated entity, Kite Lake Capital is required to maintain its books and records for a prescribed period (which is five years from either the ceasing of a business relationship, or, in the case of non-clients, from the making of a record, or alternatively for seven years where specifically requested to do so by the Financial Conduct Authority). Information that falls in scope of these requirements is retained at least for the mandated time.

Any information that is outside the scope of this requirement will be retained whilst relevant and useful, and deleted or destroyed where this ceases to be the case.

### **What are my rights?**

You have certain rights regarding the personal data that we hold or use about you.

- You have the right to request a copy of the information that we hold about you. If you would like a copy of some, or all, of your personal information, please email Kite Lake Capital at [rupert.haworth-booth@kitelake.com](mailto:rupert.haworth-booth@kitelake.com). Kite Lake Capital will provide this information to you within one month (with the ability to extend this by an additional two months where necessary), free of charge.
- You have the right to request that the information Kite Lake Capital holds about you is erased under certain circumstances, including where there is no additional legal and/or regulatory requirement or justification for Kite Lake Capital to retain this information.
- As a client, you have the right to request that any information Kite Lake Capital holds about you be provided to another company in a commonly used and machine-readable format, otherwise known as 'data portability'.
- You have the right to ensure that your personal information is accurate and up to date, or where necessary rectified. Where you feel that your personal data is incorrect or inaccurate and should therefore be amended, please contact [rupert.haworth-booth@kitelake.com](mailto:rupert.haworth-booth@kitelake.com).
- You have the right to object to your information being processed.
- You have the right to restrict the processing of your information in certain circumstances, for example limiting the material that you receive or where your information is transferred.
- You have the right to object to any decisions based on the automated processing of your personal data, including profiling.
- You have the right to lodge a complaint with the Information Commissioner's Office ([ico.org.uk](http://ico.org.uk)) if you are not happy with the way that we manage or process your personal data.

### **Will I be notified of changes to this policy?**

Kite Lake Capital may, from time to time, review and update this policy. We will maintain the latest version of this policy on our website, and where the changes are deemed material we will make sure you are aware of them.

### **How to contact us**

If you have any questions about this privacy notice or requests with regards to the personal data we hold about you, you may contact our Chief Operating Officer by email at [rupert.haworth-booth@kitelake.com](mailto:rupert.haworth-booth@kitelake.com) or by writing to Rupert Haworth-Booth, Kite Lake Capital Management (UK) LLP, 1<sup>st</sup> Floor, Tennyson House, 159–165 Great Portland Street, London W1W 5PA, United Kingdom.

### **Recording and monitoring of communications**

Kite Lake Capital records and monitors telephone conversations and electronic communications for the purposes of:

- ascertaining the details of instructions given, the terms on which any transaction was executed or any other relevant circumstances;
- ensuring compliance with our regulatory obligations; or
- detecting and preventing the commission of financial crime.

In order to ensure that these purposes can be achieved, Kite Lake may record and monitor any and all telephone conversations and electronic communications with third parties, even where the particular conversation or communication does not need to be recorded or monitored for one of these purposes.

Copies of recordings will be stored for a period of five years, or such other longer period as we may determine from time to time.