

## Privacy Policy

### Who we are

Midmar Capital LLP (**We/us**) is a partnership registered in Scotland under company registration number SO302073 and having its registered office address at Hudson House, 8 Albany Street, Edinburgh EH1 3QB.

Due to the nature and size of the organisation, Midmar is not required to appoint a Data Protection Officer. However, as the Partner responsible for Data Protection, if you have any queries about this Privacy Policy, please contact **Kevin Gallacher** at [kevin.gallacher@midmarcapital.com](mailto:kevin.gallacher@midmarcapital.com). We may update this Privacy Notice to reflect changes in law or our practices. The latest version will always be available on our website.

### Interpretation

In this document, the terms 'Personal Data', 'Controller', 'Processor', 'Data Subject', 'Data Protection Officer' and 'special categories of personal data' have the meanings given to those terms in the Data Protection Act 2018 and the UK General Data Protection Regulation as amended by the Data (Use and Access) Act 2025 'DUAA'.

### Scope of this document

This Privacy Notice is directed at all natural persons whose Personal Data we collect other than employees.

We are the Controller in relation to all Personal Data which we collect. In some circumstances, when providing services to Appointed Representatives ("AR"s), we may process Personal Data jointly with an AR, in which case, our standard terms of business and our Appointed Representative Agreement should be referred to for further information about these obligations. A copy of these standard terms is also available to clients on request.

### How we collect Personal Data

We collect Personal Data in the following main ways:

- In emails and hard copy correspondence sent to us and through shared files on cloud storage
- By taking notes during telephone calls or recording calls
- In paper forms
- Taking copies of personal documents for verification purposes
- Directly from our ARs in relation to their own business, clients, employees and individual contacts at associated organisations including existing or prospective portfolio companies
- Information in the public domain
- By using AI to transcribe and minute meetings
- By using AI (Copilot) to automate routine tasks, streamline data analysis, and boost overall team

productivity. The AI used has enterprise-grade security and Commercial Data Protection.

We do not purchase databases of Personal Data from third parties.

### **Categories of Data Subject**

We collect Personal Data in relation to the following main categories of Data Subject:

- Our ARs and clients, where the AR, client or an investor/prospective investor in a fund Midmar may manage is an individual;
- Where an AR, client, or investor is an organisation, individual contacts within that organisation;
- A business associated with an AR or client such as an existing or prospective portfolio company, individual contacts within that organisation;
- Members of the public who make enquiries to us or visitors to Midmar's website;
- Our ARs' own clients
- Individual contacts and key personnel at third party providers.

### **Types of Personal Data we Process**

We process the following main types of Personal Data:

- Names
- Addresses, email addresses and telephone numbers
- Copies of personal identity documents
- Dates of birth
- Marital status
- Nationality
- Passport or identity document numbers
- Financial information including bank details, tax status and National Insurance Number, credit rating, CCJs, IVAs, bankruptcy
- Education and employment history including details of:
  - Qualifications;
  - Skills;
  - Experience;
  - Conduct and performance, and related correspondence;
  - Start and end dates;
  - Relevant employment agreements or contracts
- Information relating to investigations by professional/regulatory bodies
- Information concerning civil law matters.

We process the following 'special categories' of Personal Data:

- Health and disability information
- Information relating to criminal convictions.

We do not process any Personal Data relating to children.

## Purpose of processing

We process Personal Data for the following main purposes:

- The administration of our business
- Performing contracts with our ARs and our clients
- To comply with regulatory and legal obligations
- To defend legal claims
- To market and develop our business
- To carry out our duties as Fund Manager and Principal firm
- To perform onboarding of ARs and clients such as approved person pre-application and ongoing due diligence

## Legal basis for processing

Most of the Personal Data which we process is processed to allow us to perform our obligations under contracts with our ARs and our clients and because it is in our legitimate interest to process certain Personal Data in order to carry out our administrative functions, procure business and negotiate contracts with our clients. We may also process personal data in relation to information or enquiries received via visitors to the website or by way of direct enquiries.

We also process Personal Data where this is required by regulation (e.g. the Financial Services and Markets Act 2000) and law e.g. the maintenance of records required by the Companies Act 2006 or complying with our obligations under anti-money laundering and counter terrorism financing legislation including, but not limited to, the Money Laundering Regulations, the Terrorism Act 2000, the Proceeds of Crime Act 2002, and the Sanctions and Anti-money Laundering Act 2018.

We are occasionally required to process 'special category' Personal Data and information relating to criminal convictions where necessary to perform our obligations under contracts with our ARs or our clients and to comply with applicable regulation and legislation, but we will only do so with the explicit consent of the individual concerned.

For our ARs and relevant clients, we also send information by email in the form of monthly newsletters and briefing notes in order to comply with Midmar's oversight obligations as a Principal firm and to help our ARs and other relevant clients comply with applicable regulation and legislation by keeping them informed about relevant issues.

You are not under a statutory obligation to provide us with Personal Data but we may be unable to perform any services on your behalf if you refuse. You may be under a contractual obligation to provide us with Personal Data if we are carrying out services on your behalf.

## Retention periods

Data is retained in accordance with our Data Retention Policy, based on legal, operational, and risk-based criteria. Data no longer required is securely deleted or anonymised. Our Personal Data retention policy is as follows:

Type of Personal Data	Retention period
Client contact details	7 years from last contact
Information relating to services provided by us	7 years following end of services

Companies Act 2006 records	The statutory period of ten years
Other Personal Data	7 years or such earlier time as we may determine to be appropriate in individual cases
Personal Data obtained from ARs and clients in relation to their own clients and employees (including special category and criminal convictions data)	6 years from last use

### Recipients of Personal Data

We transfer personal data to:

- Service providers (acting as Processors) based in the United Kingdom and the United States who provide IT administration and cloud computing services;
- Competent regulatory and/or enforcement authorities, e.g. the Financial Conduct Authority; the Police and the National Crime Agency;
- Third party software providers for the purpose of conducting identity, credit, and criminal record checks, and in order to conduct PEP, sanctions and adverse media screening;
- Microsoft and Apple AI software used in a secure way in general operations including to transcribe and minute meetings;
- Our auditors and professional advisers (acting as processors, joint controllers, or controllers in common), including lawyers, bankers and insurance companies who provide auditing or consultancy, banking, legal, insurance and accounting services.

### Transfers outside of the UK and European Economic Area (EEA)

The majority of our processors are based in the UK or the EEA. If we do transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by UK ‘adequacy regulations’, which include the EEA and all countries, territories and international organisations covered by European Commission adequacy decisions valid until 27 December 20231.
- Where we use certain service providers, we may use appropriate safeguards or an exception under Article 46 of the UK GDPR such as standard data protection clauses recognised or issued in accordance with UK data protection law, which are the International data transfer agreement (IDTA) and the International data transfer addendum (Addendum). Where we use certain service providers, we may use appropriate safeguards or an exception under Article 46 of the UK GDPR such as standard data protection clauses recognised or issued in accordance with UK data protection law, which are the International data transfer agreement (IDTA) and the International data transfer addendum (Addendum).

### Automated decision making

We do not use automated systems to assist decision making.

## Your legal rights

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent

**Complain.** Anyone can complain directly to us if they consider that we have infringed data protection legislation because of the way we have handled their personal information (or the personal information of someone they're acting on behalf of).

## How to make a data protection complaint

Refer to Midmar's complaints process, which is set out in Appendix 1 below. If unresolved, the

complainant may complain to the Information Commissioner's Office (ICO).

The example of complaints can include (but are not limited to):

- the way we've responded to the data subject access request (DSAR), or other rights request;
- the security measures we've used to store the information (e.g. someone who has been impacted by a data breach, regardless of whether it's reportable to us); or
- how we've collected or used personal information (e.g. where we've stored it, how long we've kept it for, or its accuracy).

If we have any doubts about the complainant's identity, we may need to ask for proof of ID. Someone may make a complaint on behalf of another person (e.g. a family member, solicitor, or other relevant not-for-profit organisation). If so, we must check they're authorised to act on the other person's behalf.

The form of evidence we may need depends on the circumstances, but some examples are:

- an appropriate power of attorney; or
- a signed letter of authority from the person they are acting on behalf of.

## Appendix 1

# Not Happy? Here's what to do

**1.** Explain to your main point of contact, orally or in writing, what you're not happy about and how you would like things to be resolved.

**2.** If the issues are low-impact, e.g., minor and administrative in nature, and your contact confirms they are able to resolve them quickly, and you're happy to accept the proposed resolutions, once your contact has taken corrective action, you will receive a summary communication of the issues raised and how they have been resolved. Alternatively, you can register your issues formally with us, as set out below.

**3.** If the issues are more complex, serious and/or high-impact, you would simply prefer to formally register a complaint, and/or if you remain unhappy with the action taken under step 2. above, please contact the Compliance Officer at Midmar using the following information:

Tel: 0131 473 1006  
Email: [emma.jones@midmarcapital.com](mailto:emma.jones@midmarcapital.com)  
Post: Midmar Capital LLP  
Hudson House  
8 Albany Street  
Edinburgh  
EH1 3QB

## How we handle complaints

If you decide to formally register your issues with Midmar, in accordance with the documented complaints procedure Midmar will:

1. Acknowledge receipt of your complaint in writing (by email or post), enclosing a copy of our complaints leaflet and Complaints Management Policy, within 5 working days of receiving it.
2. Gather all relevant evidence information and where appropriate, testimony in order to consider the issues raised fairly and consistently.
3. As far as is practicable and reasonable, keep you updated on the progress of your complaint.
4. Issue a response to you in writing as soon as possible but in any case, within 4-8 weeks of receiving your complaint. Where this is not possible, Midmar will write to you within this timeframe explaining why it hasn't been able to issue a response to you and when it is likely to be able to issue one.
5. Given the nature of Midmar's business and typical client type, if you remain dissatisfied with the response you may only be able to escalate your issues to the Courts. Should you wish to do so, or if you are eligible for an alternative route of escalation, where appropriate and permitted to do so, Midmar will aim to co-operate fully with any escalation procedure.

## Our commitment to you

Midmar aims to ensure:

- Complaints are handled promptly and fairly,
- Complaints are thoroughly investigated,
- Complainants feel listened to and taken seriously,
- Lessons are learnt, and
- Improvements are made

So far as is possible, appropriate and non-prejudicial, clients should expect openness and transparency from Midmar.

If you feel that Midmar or an Appointed Representative has fallen short in any of these areas, please contact Midmar's Compliance Officer using the details at the top of this page.

**Midmar Capital LLP, Registered in Scotland, Registered Number: SO302073, Registered office: Hudson House, 8 Albany Street, Edinburgh, EH1 3QB.**

**Authorised and regulated by the Financial Conduct Authority (Firm Reference Number: 519772)**

Complaints Leaflet - Oct 2024 - Midmar