

MONOCLE AM	Procedure for the protection and processing of personal data	Reference: VIII-3 Version: 1.0
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Responsibility	
Person responsible for the procedure	Fantine MONOT
Service	General Management
Relay correspondent	Mimoza BOGESKA
Data controller	Fantine MONOT

Objective of the procedure
This procedure defines the organization and means put in place by the Company for the treatment of personal data under the European Data Protection Regulation.

List of tools/applications used	
Tool(s)	N/A
Application(s)	Microsoft Office, Dropbox, Kaspersky Antivirus

1 st level controls	Archiving (yes/no)	Storage location
Checking compliance with legal obligations in terms of data retention	Yes	Dropbox

Management of procedure updates				
Version	Date	Status	Author	Nature of the changes
1.0	17/02/2021	To be validated	AGAMA Conseil	Creation
1.0	05/05/2021	Validated	MONOCLE AM	Proofreading and Validation

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Preamble

The GDPR aims to strengthen the rights of individuals with regard to the processing of their personal data. Companies must ensure optimal data protection and be able to demonstrate this by documenting their compliance.

The implementation of the RGPD abolishes the prior formalities required from the CNIL. Except in exceptional cases, there is no longer a declaration or authorization required before a personal data processing operation can be implemented. This obligation has been replaced by the obligation for companies to demonstrate their compliance, in particular by keeping records of the processing carried out (hereinafter developed).

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The CNIL may carry out investigations on its own initiative or following a complaint from a data subject (an online form is provided to facilitate the process). The supervisory authority may adopt various corrective measures, namely

- Issue a warning or call to order that the proposed processing operations are likely to infringe the Regulation;
- Request compliance within a specified time frame;
- To order to meet the demands of respect for the rights of individuals and its exercise ;
- Temporarily or permanently limit a treatment;
- Suspending data streams;
- Withdraw certification ;
- Impose fines of up to €20 million and 4% of annual worldwide turnover.

Group actions can be brought before the courts by the persons concerned.

Regulatory references

[Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 \(RGPD\)](#)

1. Scope and principles

The data to which MONOCLE AM (hereinafter the "**Management Company**") has access in the course of its activities are likely to be related to the private life of their clients: data relating to assets, family situation, etc...

▪ **General principles**

Within the framework of the applicable regulations, MONOCLE AM respects the principles of purpose of processing, proportionality and minimisation of data.

MONOCLE AM collects and processes personal data for a specific, explicit and legitimate purpose, corresponding to the objectives pursued (e.g. customer management, processing of complaints, staff management: recruitment, training, provision of IT tools, etc.).

In order to respect the principle of proportionality, MONOCLE AM only collects and processes information that is adequate, relevant and necessary for the purpose of the processing.

The principle of data minimisation implies that personal data may only be processed if the purposes of the processing cannot be achieved by processing information that does not contain personal data. MONOCLE AM undertakes to collect and process personal data for a given purpose only when necessary.

▪ **Security and privacy principles**

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The data contained in the files may be consulted only by persons authorised to access them by virtue of their duties.

MONOCLE AM takes all necessary measures to ensure confidentiality and to avoid any disclosure of information.

MONOCLE AM shall ensure that each person authorised to access the information has an individual password (composed, if authentication is based solely on an identifier and a password, of at least 8 characters and upper and lower case letters, numbers and special characters and renewed regularly) and that access rights are precisely defined according to actual needs.

2. Rights and duties

▪ Rights of the persons whose data have been collected

The data subjects have a :

- Right to be forgotten ;
- Express consent ;
- Right to data portability ;
- Right of access to processing ;
- Right to object ;
- Right of rectification ;
- Right to information on the purpose of the processing ;
- Right to data limitation.

Definitions of these rights can be found at:

<https://www.cnil.fr/fr/reglement-europeen-protection-donnees/chapitre3>

a) The right to be forgotten

Persons whose data has been collected have the right to obtain from the data controller, as soon as possible, the deletion of personal data concerning them (right to be forgotten). However, the right to be forgotten does not override certain legal obligations to archive data (duration, etc.) to which MONOCLE AM may be subject.

b) Express consent

For certain purposes, the customer's express consent is required. Consent is defined as "a free, specific, informed and unambiguous statement or action by which a data subject signifies his or her agreement to personal data being processed".

c) Data portability

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The customer concerned may demand the portability of his or her data and to receive it in a structured, commonly used and readable format.

- **Respect for the rights of individuals**

Every person has the right to object to the processing of his or her data, unless this is mandatory.

Any natural person who can prove his or her identity has the right to question the controller of a personal data processing operation, in particular in order to :

- To know whether or not data concerning her is included;
- Obtaining the communication of data concerning her ;
- Obtain information on the purpose of the processing, the data collected and the recipients.

3. Processing of personal data and management of customers and prospects

3.1. General principles

In the context of its activities, personal data relating to clients correspond to all the personal data necessary for the creation of the client's file, for the provision of advice and/or intermediation, and then for the follow-up of the client over time.

This data may concern data relating to both personal and professional life, since MONOCLE AM is required to advise the client in the light of the knowledge it has gathered: asset, financial and professional situation, knowledge and experience, risk tolerance, ability to bear losses, objectives, needs, etc.

MONOCLE AM shall not process sensitive information relating to criminal convictions, offences or related security measures, racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, as well as the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, health data or data concerning the sex life or sexual orientation of a natural person, in the context of these activities.

Article 9(1) of the GDPR provides for the prohibition of the processing of such data in principle.

3.2. Data processing apparatus

- **Data processing register**

MONOCLE AM shall keep a register of processing activities insofar as it processes personal data on a non-casual basis.

- **Customer information**

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Clients and prospects of MONOCLE AM must be informed:

- The contact details of the data controller;
- The purposes of the processing ;
- Legal basis for processing;
- In case of transfer to a third country ;
- Where applicable, the existence or absence of an adequacy decision by the CNIL ;
- The length of time personal data is kept ;
- The rights of individuals with regard to the processing of personal data and the conditions for exercising them ;
- Data recipients (subcontractors, bailiffs, etc.);
- Cross-border flows.

This information may be included in the pre-contractual information document or the contractual documents, or it may be communicated by e-mail or in a separate document.

- **Data retention**

Personal data may only be kept for the time necessary to achieve the purpose for which it was collected. It is advisable to refer to the procedure dedicated to the archiving and conversation of data.

- **Data security**

Access to the premises where paper files are stored is secure. Electronic files are archived via the Dropbox professional cloud solution which has a cybersecurity feature.

4. Personal data processing and human resources

MONOCLE AM is aware of the simplified CNIL standard NS-046 on personnel management: <https://www.cnil.fr/fr/declaration/ns-046-gestion-du-personnel>

4.1. Data collected

- **General principle of respect for minimisation**

MONOCLE AM shall only collect data that is adequate, relevant and strictly necessary for the purpose of processing.

- **Recruiting**

The data should only be used to assess the applicant's suitability for the job offered. Only data relating to the qualifications and experience of the employee may be collected (e.g. diplomas, previous jobs, etc.).

It is therefore forbidden to :

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- Asking an applicant for their social security number;
- Collect data on the applicant's family;
- Collect data on the applicant's political opinions or union membership.

- **Personnel management**

In the context of managing its staff, MONOCLE AM may collect two main types of data:

- Data required to comply with a legal obligation;
- Data useful for (i) personnel administration, (ii) work organization and (iii) social action.

Information on the RGPD must be included in the employment contract of all new employees.

4.2. HR data processing system

- **Data processing register**

MONOCLE AM shall keep a register of processing activities insofar as it processes personal data on a non-casual basis.

The register of processing activities must contain a dedicated human resources management sheet which must include the following elements

- Identity and contact details of the controller ;
- Goals;
- Categories of persons concerned ;
- Categories of personal data ;
- Categories of recipients ;
- Transfers to a third country or an international organisation ;
- Expected timeframe for clearing ;
- General description of technical and organizational security measures.

- **Conservation**

MONOCLE AM will keep these items on file for the duration of the individual's employment (unless otherwise required by law or regulation).

Beyond that, the data may be archived for the duration of the legal requirements, on a separate computer medium with very limited access, in accordance with the rules applicable to public and private archives.

5. Suppliers and service providers

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In the course of its business, MONOCLE AM uses external service providers to outsource certain essential or non-essential functions. These functions may require the processing of personal data, therefore MONOCLE AM ensures the compliance of the RGPD policy of its service providers.

6. Update of the data processing policy on the website

6.1. Website mentions

LEGAL NOTICES	Name and company name
	Address
	Company registration number
	Postal, telephone and electronic contact details, website
	Name and contact details of the site's publication director
	Name, company name, address and telephone number of the site host
REGULATORY INFORMATION	AMF approval (date and number)
	Shareholder engagement policy
	Compensation policy
	Conflict of Interest Policy
	Processing of complaints
RGPD MENTIONS	The identity and contact details of the person responsible for the file
	The purpose and legal basis of the processing
	The legitimate interests pursued if this is the legal basis for the processing
	Recipients or categories of recipients
	How long the data is kept
	Possible transfers of data to countries outside the EU
	The rights of the persons concerned
COOKIES MENTIONS	The purposes of cookies
	The collection of user consent via "consent banners"
	The possibilities of refusing cookies

7. Terms and Conditions of treatment of complaints of persons concerned

The controller shall provide the data subject with information on the measures taken in response to a request made pursuant to Articles 15 to 22 of the GDPR as soon as possible and in any event within one month of receipt of the request.

If necessary, this period may be extended by two months, taking into account the complexity and number of requests. The controller shall inform the data subject of this extension and of the reasons for the postponement within one month of receipt of the request.

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Where the data subject submits his or her request in electronic form, the information shall be provided electronically where possible, unless the data subject requests otherwise.

If the controller does not comply with the request made by the data subject, shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for his or her inaction and of the possibility of lodging a complaint with a supervisory authority and of seeking judicial remedy.

8. Data security policy

8.1. General measures

MONOCLE AM implements general security measures for personal data:

- Limited access to premises
- Installation of alarms.

8.2. Computer security measures

MONOCLE AM implements computer security measures for personal data:

- Authenticate users (password of at least 8 characters containing an upper case, a lower case, a number and a special character)
- Determine who is authorized to access personal data; remove obsolete access permissions;
- Set up regular backups, secure storage of backup media.

8.3. Procedure in case of a data breach

Personal data breach is a breach of security resulting in the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed .

Except in cases where the violation is not likely to result in a risk to the rights and freedoms of individuals, MONOCLE AM shall notify the CNIL as soon as possible and, if possible, no later than 72 hours after becoming aware of it.

A personal data breach notification form is available to data controllers on the CNIL website:

https://www.cnil.fr/sites/default/files/typo/document/CNIL_Formulaire_Notification_de_Violations.pdf

If MONOCLE AM has a processor, the processor shall also notify the controller of any personal data breach as soon as possible after becoming aware of it.

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MONOCLE AM will inform the data subject of the breach directly, except in cases where the breach is not likely to result in a high risk to the rights and freedoms of an individual, to inform the data subject of the breach directly.

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Annexes

Appendix 1 - Definitions

Personal data: any information relating to an identified or identifiable natural person; an "identifiable natural person" is one who can be identified directly or indirectly, in particular by reference to an identifier, such as a name, an identification number, location data, an online identifier, or to one or more factors specific to his or her physical, physiological, genetic, mental, economic, cultural or social identity.

Recipient: the natural or legal person, public authority, department or any other body that receives personal data, whether or not it is a third party.

Controller: the natural or legal person, public authority, agency or other body which alone or jointly with others determines the purposes and means of the processing.

Processing: any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Processor: the natural or legal person, public authority, department or other body which processes personal data on behalf of the controller.

"Special categories of personal data" or "sensitive data" is defined as personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, as well as the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning the sex life or sexual orientation of a natural person.