

Privacy Notice

The purpose of this Privacy Notice is to explain how 36 South Capital Advisors LLP (“36 South”, “we”, “us”, “our”) and its affiliates may process your Personal Data. The term “process” here refers broadly to the collection, use, storing, amendment, sharing, or any other handling of your Personal Data.

In accordance with the General Data Protection Regulation (“GDPR”) we have certain obligations around how we process and protect your Personal Data, whilst you have certain rights in relation to your Personal Data that we process.

It is important that you read this notice in full. It provides important information about your rights. It also explains how we will seek to protect your Personal Data in accordance with our legal obligations.

36 South Capital Advisors LLP

36 South Capital Advisors LLP is an investment manager based in London, UK.

We manage certain funds (each a “Fund” and together the “Funds”) and we may process Personal Data in our marketing and management of these Funds.

In relation to any Personal Data pertaining to Fund investors, the Fund is a “Data Controller”, whilst 36 South, as a delegate of the Fund, is as “Data Processor”.

However, there may be instances in which we act as a Data Controller. For example, if we are in contact with you as a prospective investor, but you are not yet invested in any of the Funds, we may be deemed to be acting as Data Controller in respect of any personal data of yours that we process.

This notice relates specifically to the activities of 36 South in marketing and managing the Funds. If you are invested in one or more of our Funds, the relevant Fund will also issue you with a Privacy Notice in your capacity as an investor.

If you have any questions about the contents of this notice, you can contact us at Berkeley Square House, London, W1J 6BU or compliance@36south.com

What is Personal Data?

Under GDPR, “Personal Data” is broadly defined to include any information relating to an identified or identifiable natural person (the ‘Data Subject’).

If you are an individual investor or prospective investor, Personal Data we process may include information such as your name, address, telephone number, personal and/or work email address, job title, and information about your financial circumstances, such as details of your net assets and investment portfolio.

In respect of your Personal Data that we process, you are the “Data Subject”.

If you are an institutional investor or prospective investor, we may need to process Personal Data relating to persons connected with you as an investor, such as the relevant contact person(s) at your organisation that we are speaking to. In respect of any Personal Data we process on such persons, the individuals to whom the data relates will be the Data Subjects. If you are an institutional investor that provides us with personal data on individuals connected to you for any reason in relation to your investment with us, this will be relevant for those individuals and you should transmit this document to such individuals or otherwise advise them of its content.

Why Are We Collecting Your Personal Data and How Will We Use Your Personal Data?

GDPR provides a number of legal bases upon which it may be permissible for us to collect and process Personal Data.

Specifically, we may process Personal Data: (1) where this is necessary to comply with a legal obligation; and (2) where we have a legitimate interest which is not overridden by your interests, fundamental rights or freedoms, provided that we are acting in a fair, transparent and accountable manner, and provided that we have taken appropriate steps to prevent such activity having any unwarranted impact on you (please also be aware that you a right to object to our processing of your data, as discussed below).

We will only process Personal Data to the extent required to meet our legal obligations and to pursue our legitimate interests in marketing and managing the Funds.

In the event that we intend to process your Personal Data for any purpose other than that for which it was collected, we would inform you prior to any further processing.

We may collect Personal Data through our website, or directly by email, telephone, or through any other interaction we may have with you. You should be aware that telephone conversations and electronic communications with us may be recorded.

What Happens If You Do Not Provide Us With Your Personal Data?

If we ask you for Personal Data so that we may provide you with marketing information about our Funds, you are under no obligation to provide it. However, if you do not provide us with certain Personal Data, it is unlikely that we will be able to provide you with any information about our Funds. Ultimately, this means that you may be unable to invest in any of the Funds that we manage.

Will We Share Your Personal Data With Anyone?

In certain circumstances, we and/or our authorised delegates may be required to share your Personal Data with regulators, courts, tax authorities, or other public institutions.

We work with certain service providers as part of our day-to-day operations (our “delegates”). There may be circumstances in which we share your Personal Data with such delegates. In relation to any Personal Data processed by our Delegates, they will be acting as Data Processors.

We work with a small number of third parties which have been engaged to help to market our Funds (“third party marketers”). It is possible that we may share your Personal Data with one or more of these third party marketers. This would only happen, however, if you have been introduced to us by the third party marketer. The third party marketers that we work with are themselves Data Controllers under GDPR, and have a direct obligation to protect any Personal Data that they process.

Transfers of your Personal Data outside the European Economic Area (EEA).

Under GDPR, we are only permitted to transfer your data outside the EEA if we do so in accordance with certain conditions.

For example, we may transfer Personal Data outside the EEA if there is an “adequacy decision” in place between the EC and the country or organisation in question.

Absent an adequacy decision, we may transfer Personal Data outside the EEA if there are “appropriate safeguards” in place, as defined in Article 46 of GDPR or, in certain circumstances, in accordance with a derogation provided under Article 49 of GDPR.

If you would like more information on the protections and safeguards covering any transmission of your Personal Data outside the EEA, please contact us at compliance@36south.com

How Long Will We Hold Your Personal Data?

We may retain your details in order to provide you with marketing materials and information about our Funds in future. We may also have a legal or regulatory requirement to hold records for a certain period.

However, if you wish to stop receiving information about our funds, or if you do not want us to hold your Personal Data any longer, you can contact us any time at compliance@36south.com and ask us to delete any Personal Data we hold on you. Please see the section below entitled “Your Rights” for further information.

Your Rights.

You have a number of rights in relation to any Personal Data we hold on you. If you would like to exercise any of your rights, please contact us at compliance@36south.com

You have a right to access any Personal Data we hold on you.

You have a right to correct any of your Personal Data which is inaccurate.

Under certain circumstances, you have a right to have to obtain a restriction on our processing of your Personal Data.

Under certain circumstances, you have a right to object to our processing of your data, where we have collected and processed your Personal Data for the purposes of our legitimate interests.

Under certain circumstances, you have a right to obtain the erasure of any Personal Data we hold on you. We will do our best to meet any such request, although it is possible that you may be restricted in your ability to exercise this right. This is because we may process your Personal Data to satisfy certain legal obligations, and we may be required to retain records which could prevent us from being able to erase your data. A request for erasure will need to be considered alongside any legal obligation we are bound by.

Where you have contacted us to exercise your rights, we will provide you with information on the actions we have taken in response. We will normally provide you with such information free of charge.

What Might We Need From You?

If you request access to your Personal Data, or if you seek to exercise your rights, we may ask you for information to verify your identity before providing a response.

We will do this to ensure that your Personal Data is adequately protected. It is vital that your Personal Data is not disclosed to any person who does not have a right to receive it.

Your Right to Complain.

If you ever have any concerns about the way we are processing your data, or if you are concerned that your data is not being adequately protected, you have the right to make a complaint about us to the relevant supervisory authority for data protection.