

Balbec
Data Protection Notice
Cyprus

Latest update: 19 May 2021

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1. GENERAL INFORMATION

Kitma Holdings Ltd. (Cyprus) is processing information in connection with third parties, contact persons of their contracting partners and other individuals (collectively: “**individuals**”). This information qualifies as “*personal data*” as defined in point 1 of Article 4 of the General Data Protection Regulation 2016/679 of the EU (“**GDPR**”).

Contact details: Zinonos Sozoy, 37A, 1075, Leykosa, Cyprus, registration no. HE 216275; email: privacy@balbec.com

This data protection notice (“**Data Protection Notice**”) provides information regarding the processing of these personal data and the rights and remedies of the individuals related to the data processing.

You can find a general description of the data processing operations of Balbec Capital, LP and its affiliates and subsidiaries in the [EU Privacy Notice of Balbec Capital, LP](#).

2. UPDATES AND AVAILABILITY

Kitma Holdings Ltd. (Cyprus) reserves the right to modify the relevant part of this Data Protection Notice (which is applicable to its own data processing operations) unilaterally with effect subsequent to such modification, subject to the limitations provided for in the laws and with advance notification to the individuals in due time, if necessary. Kitma Holdings Ltd. (Cyprus) may modify this Data Protection Notice especially when it is required upon changes in the laws, the practice of the competent data protection authority, business needs or employees’ needs, any new activity involving personal data processing or any newly revealed security exposures or if it is necessary because of individuals’ feedback. When communicating in relation to this Data Protection Notice or privacy issues or otherwise keeping in contact with individuals, Kitma Holdings Ltd. (Cyprus) may use the contact details of individuals available to Kitma Holdings Ltd. (Cyprus) in order to get or keep in contact with individuals. Upon request of the individuals, Kitma Holdings Ltd. (Cyprus) will for example send a copy of the latest updated version of this Data Protection Notice to individuals anytime or certify that the individuals have read the Data Protection Notice.

3. SPECIFIC DATA PROTECTION TERMS

In certain cases, specific privacy-related terms and conditions may also be applicable of which the individuals who are affected by them will be duly notified. Such specific terms and conditions are provided for in connection with the operation of electronic surveillance systems (i.e. cameras), the entry-control systems operated in the offices of Kitma Holdings Ltd. (Cyprus) and cookies that are used on the website of Kitma Holdings Ltd. (Cyprus).

In each case, individuals are obliged to make the relevant personal data available to Kitma Holdings Ltd. (Cyprus) in accordance with the applicable laws. Individuals shall especially be in possession of adequate and informed consent or other legal basis for making personal data of third parties available for Kitma Holdings Ltd. (Cyprus) (for example, if the data of contact persons and family members are given). If Kitma Holdings Ltd. (Cyprus) becomes aware that any personal data of a data subject was disclosed without his/her consent or any other appropriate legal basis, then Kitma Holdings Ltd. (Cyprus) may immediately delete such personal data and the data subject is also entitled to exercise the rights and remedies set forth in this Data Protection Notice. Kitma Holdings Ltd. (Cyprus) will not be liable for any loss or harm which may arise from any breach of the above undertaking and representation of any individual.

4. SCOPE OF THE DATA AND THE PURPOSE OF THEIR PROCESSING

Kitma Holdings Ltd. (Cyprus) is processing the following categories of personal data:

Categories of data	Purpose and legal basis of the data processing
External data, such as names, telephone numbers, emails addresses, companies' address, phone numbers of any individual the company has contact with. Source of the data: from the relevant individual.	Legitimate business interests for the company to operate its respective businesses and to manage its relationship with potential, existing and former contracting parties (Article 6 (1) f) of the GDPR).
The identification data of the company's secretary and director. Source of the data: from the relevant individual.	Administering the employment contract(s) that the company has entered into with its employees. This processing is necessary for the performance of the contractual obligations between the employees and the company (Article 6 (1) b) of the GDPR). Carrying out the obligations of the company under employment law (Article 6 (1) c) of the GDPR). The legitimate business interests of the company, such as ensuring high standards of employee behaviour and performance (Article 6 (1) f) of the GDPR).

Where a purpose of processing is required for pursuing a legitimate interest of Kitma Holdings Ltd. (Cyprus) or any third party, then Kitma Holdings Ltd. (Cyprus) will make the balancing test of the underlying interests available upon a request submitted to one of the contact details of Kitma Holdings Ltd. (Cyprus) above.

Kitma Holdings Ltd. (Cyprus) expressly wishes to draw the attention of the individuals to their right of objection to the processing of their personal data due to a cause related to their own situation at any time where the processing is based on legitimate interest, including the case where the processing takes the form of profiling. In such a case, Kitma Holdings Ltd. (Cyprus) ceases processing the personal data unless it can prove that the processing has to be continued due to compelling legitimate reasons which override the interests, rights and freedoms of the individuals or which relate to the submission, the enforcement or the protection of legal claims. If personal data is processed for the purpose of direct marketing, individuals may at any time object to the processing of their personal data for that purpose, including profiling, if connected to direct marketing.

Kitma Holdings Ltd. (Cyprus) may engage certain contractual partners for carrying out tasks related to data processing operations. Such contracting parties act as so-called "data processors" i.e. they process the personal data defined in this Data Protection Notice on behalf of Kitma Holdings Ltd. (Cyprus).

Kitma Holdings Ltd. (Cyprus) uses data processors providing sufficient safeguards, in particular in terms of expertise, reliability and resources, for the implementation of technical and organisational measures which ensure that the requirements of the GDPR are met, including the security of processing. The particular tasks and liabilities of the data processor are provided for

in the data processing agreement made between Kitma Holdings Ltd. (Cyprus) and the data processor. After the completion of the processing on behalf of Kitma Holdings Ltd. (Cyprus), the processor shall, at the choice of Kitma Holdings Ltd. (Cyprus), return or delete the personal data, unless there is a requirement to store the personal data under Union or Member State law to which the processor is subject.

Kitma Holdings Ltd. (Cyprus) is engaging the data processors for accounting and other services during its day-to-day operations.

Kitma Holdings Ltd. (Cyprus) is transferring personal data for third parties – acting as data controllers, i.e. entities that determine the purposes and means of their data processing individually – as part of its day-to-day operations (e.g. banks, legal advisors, tax advisors).

Kitma Holdings Ltd. (Cyprus) is sharing the personal data listed in this Data Protection Notice with Balbec Capital LP (located in the USA) for the following purposes:

- Balbec Group human resources functions and administration (including appointments or removals, pay, discipline, superannuation, work management or other personnel matters in relation to staff).
- Balbec Group management and administration of internal information technology systems.
- Investment acquisition, origination, management, and disposition.
- Monitoring compliance with applicable laws and regulations, including laws and regulatory requirements aimed at detecting and preventing financial crime, insider dealing and market abuse.
- The management and administration of the business of the Balbec Group generally and any other purpose in connection with that business.

The laws of the USA do not provide for an appropriate level of data protection as specified in the GDPR. However, Kitma Holdings Ltd. (Cyprus) provides appropriate and suitable safeguards in respect of the above data transfer to ensure that the personal data will be protected as required by applicable data protection law through an Intra-Group Data Sharing Agreement with Balbec Capital LP. Such Intra-Group Data Sharing Agreement incorporates the standard data transfer agreements adopted by the European Commission (also known as “[Standard Contractual Clauses](#)”).

Kitma Holdings Ltd. (Cyprus) provides further on the data transfers and the appropriate safeguards at its contact details.

5. DATA RETENTION

The personal data shall be kept by Kitma Holdings Ltd. (Cyprus) as long as it is necessary to provide the requested services and only for the period of time required for the purposes of processing the personal data as per this Notice. If Kitma Holdings Ltd. (Cyprus), has completed its contractual and legal obligations regarding the Notice and no longer needs the relevant personal, such data shall be deleted from its systems or made anonymous, so that their identification will not be possible unless such retention of the information, including personal data, is necessary in order for Kitma Holdings Ltd. (Cyprus) to comply with legal or regulatory obligations.

6. TECHNICAL AND ORGANISATIONAL DATA SECURITY MEASURES

Kitma Holdings Ltd. (Cyprus) protects the personal data it processes primarily by restricting the access to the information and by clearly specifying users' rights. Only the persons who needs to have access in order to fulfil the above-mentioned purposes and/or are authorised to have access are entitled to access the systems and instruments used for processing the personal data referred to in this Data Protection Notice. These persons include e.g. designated team members or departments (e.g. in respect of user data that are required for the use of Balbec's IT systems, the IT Department).

Kitma Holdings Ltd. (Cyprus) ensures the safe and legitimate use of the devices which it makes available (including company-owned computers, notebooks and mobile phones), the e-mail accounts and the Internet and the desirable level of awareness of the employees related to such use by applying the following measures:

- Kitma Holdings Ltd. (Cyprus) expects that the devices which it made available and which have access to the Internet as well as the e-mail accounts are used by the employees with specific user names and passwords which are adequately complex and up-dated at regular intervals.
- Kitma Holdings Ltd. (Cyprus) protects all its systems and devices by fire wall, antivirus software and spam filters. In addition, Kitma Holdings Ltd. (Cyprus) operates an intrusion protection system (so-called IPS) which enables the detection, blocking and logging of illegitimate attempts of intrusion into the computer systems of Kitma Holdings Ltd. (Cyprus).
- Kitma Holdings Ltd. (Cyprus) makes safe wired and wireless network access available for all company devices provided by Kitma Holdings Ltd. (Cyprus).
- Remote access to the systems and software of Kitma Holdings Ltd. (Cyprus) from any device is possible only through safe connection (VPN) by using specific user names and passwords, with mitigation of chances of accidental access (including illegitimate access by the use of stolen or lost devices).
- The IT Department of Balbec carries out regular software and system up-dates and back-up saves of data in accordance with its own internal regulations.

As regards the physical protection of data and electronic documents, all data is stored off-site in a co-location facility hosted by Amazon Web Services in several countries in the EU and in the US. Data stored is encrypted with keys available only to the IT (technology) team which is responsible for data storage and recovery. Access to particular data is reserved to those adequately authorised persons only who have specific valid reasons for access.

Amazon Web Services is operated by Amazon Web Services EMEA SARL (38 Avenue John F. Kennedy, L-1855, Luxembourg; fax: 352 2789 0057; https://aws.amazon.com/contact-us/?nc2=h_header). In the course of its services, Amazon Web Services EMEA SARL also transmits personal data outside the European Economic Area (EEA). The data protection legislation of most non-EEA countries (including the US) does not provide an adequate level of data protection as defined by the GDPR. However, Amazon Web Services provide appropriate and suitable safeguards in respect of the above data transfer to ensure that the personal data will be protected as required by applicable data protection law through the use of the standard data transfer agreements adopted by the European Commission (also known as "[Standard Contractual Clauses](#)"). The AWS GDPR Data Processing Addendum is available at: https://d1.awsstatic.com/legal/aws-gdpr/AWS_GDPR_DPA.pdf.

7. DATA PROTECTION RIGHTS AND REMEDIES

6.1 Data protection rights and remedies

The detailed rights and remedies of the individuals are set forth in the applicable provisions of the GDPR (especially in Articles 15, 16, 17, 18, 19, 20, 21, 22, 77, 78, 79, 80, and 82 of the GDPR). The summary set out below describes the most important provisions and Kitma Holdings Ltd. (Cyprus) provides information for the individuals in accordance with the above articles about their rights and remedies related to the processing of personal data.

The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the individual, information may also be provided orally, provided that the identity of the individual is verified by other means.

Kitma Holdings Ltd. (Cyprus) will respond without unreasonable delay, but by no means later than within one month of receipt to the request of an individual in which such person exercises his/her rights about the measures taken upon such request (see Articles 15-22 of the GDPR). This period may be, if needed, extended for further two months in the light of the complexity of the request and the number of requests to be processed. Kitma Holdings Ltd. (Cyprus) notifies the individual about the extension also indicating its grounds within one month of the receipt of the request. Where the request has been submitted by electronic means, the response should likewise be sent electronically, unless the individual otherwise requests.

If Kitma Holdings Ltd. (Cyprus) does not take any measure upon the request, it shall so notify the individual without delay, but by no means later than in one month, stating why no measures are taken and about the opportunity of the individual to lodge a complaint with the data protection authority and to file an action with the courts for remedy.

6.2 The individual's right of access

- (1) The individual has the right to obtain confirmation from Kitma Holdings Ltd. (Cyprus) whether or not personal data concerning him/her are being processed. Where the case is such, then he/she is entitled to have access to the personal data concerned and to the following information:
 - a) the purposes of the processing;
 - b) the categories of personal data concerned;
 - c) the recipients or categories of recipient to whom the personal data have been or will be disclosed including especially recipients in third countries and/or international organisations;
 - d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
 - e) the right of the individual to request from Kitma Holdings Ltd. (Cyprus) rectification or erasure of personal data or restriction of processing of personal data concerning the individual or to object to such processing;
 - f) the right to lodge a complaint with a supervisory authority;
 - g) where the personal data are not collected from the individual, any available information as to their source.
- (2) Where personal data are forwarded to a third country, the individual is entitled to obtain information concerning the adequate safeguards of the data transfer.
- (3) Kitma Holdings Ltd. (Cyprus) provides a copy of the personal data undergoing processing to the individual. Kitma Holdings Ltd. (Cyprus) may charge a reasonable fee based on administrative costs for requested further copies. Where the individual submitted his/her request by electronic means, the information will be provided to him/her in a commonly used electronic form unless otherwise requested by the data subject.

6.3 Right to rectification

The individual has the right to request that Kitma Holdings Ltd. (Cyprus) rectify inaccurate personal data which concern him/her without undue delay. In addition, the individual is also entitled to have incomplete personal data completed e.g. by a supplementary statement or otherwise.

6.4 Right to erasure ('right to be forgotten')

(1) The individual has the right that when he/she so requests, Kitma Holdings Ltd. (Cyprus) erase the personal data concerning him/her without delay where one of the following grounds applies:

- a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed by Kitma Holdings Ltd. (Cyprus);
- b) the individual withdraws consent on which the processing is based, and there are no other legal grounds for the processing;
- c) the individual objects to the processing and there are no overriding legitimate grounds for the processing;
- d) the personal data have been unlawfully processed;
- e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which Kitma Holdings Ltd. (Cyprus) is subject;
- f) the collection of the personal data occurred in connection with offering services regarding the information society.

(2) If Kitma Holdings Ltd. (Cyprus) has made the personal data public and then it becomes obliged to delete it as aforesaid, then it will, taking into account the available technology and the costs of implementation, take reasonable steps including technical steps in order to inform processors who carry out processing that the individual has initiated that the links leading to the personal data concerned or the copies or reproductions of these be deleted.

(3) Paragraphs (1) and (2) shall not apply to the extent that processing is necessary, among other things, for:

- a) exercising the right of freedom of expression and information;
- b) compliance with a legal obligation which requires processing by Union or Member State law to which Kitma Holdings Ltd. (Cyprus) is subject;
- c) archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in so far as the right referred to in paragraph (1) is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- d) the establishment, exercise or defence of legal claims.

6.5 Right to restriction of processing

(1) The individual has the right to obtain a restriction of processing from Kitma Holdings Ltd. (Cyprus) where one of the following applies:

- a) the accuracy of the data is contested by the individual, for a period enabling Kitma Holdings Ltd. (Cyprus) to verify the accuracy of the personal data;
- b) the processing is unlawful and the individual opposes the erasure of the personal data and requests the restriction of their use instead;
- c) Kitma Holdings Ltd. (Cyprus) no longer needs the personal data for the purposes of the processing, but the individual requires them for the establishment, exercise or defence of legal claims;

- d) the individual has objected to processing pending the verification whether the legitimate grounds of Kitma Holdings Ltd. (Cyprus) override those of the individual.
- (2) Where processing has been restricted under paragraph (1), such personal data shall, with the exception of storage, only be processed with consent of the individual or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.
- (3) Kitma Holdings Ltd. (Cyprus) informs the individual whose request has served as grounds for the restriction based on the aforesaid, before the restriction of processing is lifted.

6.6 Notification obligation regarding rectification or erasure of personal data or restriction of processing

Kitma Holdings Ltd. (Cyprus) will communicate any rectification or erasure of personal data or restriction of processing to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. Kitma Holdings Ltd. (Cyprus) informs the individual about those recipients if he/she so requests.

6.7 Right to data portability

- (1) The individual has the right to receive the personal data concerning him/her, which he/she has provided to Kitma Holdings Ltd. (Cyprus) in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from Kitma Holdings Ltd. (Cyprus), where:
 - a) the processing is based on consent or on a contract; and
 - b) the processing is carried out by automated means.
- (2) In exercising the right to data portability pursuant to paragraph (1), the individual shall have the right to have the personal data transmitted directly from one controller to another (thus from Kitma Holdings Ltd. (Cyprus) to another controller), where technically feasible.
- (3) Exercising the aforesaid right shall be without prejudice to provisions concerning the right to erasure ('right to be forgotten') and, further, this right shall not adversely affect the rights and freedoms of others.

6.8 Right to object

- (1) **The individual has the right to object, on grounds relating to his/her particular situation, at any time to processing of personal data concerning him/her for the purposes of legitimate interests. In this case Kitma Holdings Ltd. (Cyprus) will no longer process the personal data unless it demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the individual or for the establishment, exercise or defence of legal claims.**
- (2) **Where the processing of personal data serves direct marketing purposes the individual is entitled to object to the processing of personal data regarding him/her for such purposes, including profiling, in so far as the latter relates to direct marketing.**
- (3) If the individual objects to the processing of personal data with the aim of direct marketing, then the personal data can no longer be processed for this purpose.

- (4) In connection with the use of services related to information society, the individual may resort to his/her right of objection, with deviation from Directive No 2002/58/EC, by means of automated devices based on technical requirements.
- (5) Where personal data are processed for scientific or historical research purposes or statistical purposes, the individual, on grounds relating to his/her particular situation, has the right to object to processing of personal data concerning him/her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

6.9 Right to lodge a complaint with a supervisory authority

The individual has the right to lodge a complaint with a supervisory authority, in particular in the Member State of his/her habitual residence, place of work or place of the alleged infringement if he/she considers that the processing of personal data relating to him/her infringes the GDPR. In Cyprus, the competent supervisory authority is the Office of the Commissioner for the Personal Data Protection (<http://www.dataprotection.gov.cy>, address: Iasonos 1, 1082 Nicosia, Cyprus; telephone: (+357) 22818456 fax: (+357) 22304565, e-mail: commissioner@dataprotection.gov.cy).

6.10 Right to an effective judicial remedy against a supervisory authority

- (1) The individual has the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning him/her.
- (2) The individual has the right to an effective judicial remedy where the supervisory authority which is competent does not handle a complaint or does not inform him/her within three months on the progress or outcome of the complaint lodged.
- (3) Proceedings against a supervisory authority shall be brought before the courts of the Member State where the supervisory authority is established.

6.11 Right to an effective judicial remedy against Kitma Holdings Ltd. (Cyprus) or the processor

- (1) Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority, any individual has the right to an effective judicial remedy where he/she considers that his/her rights under the GDPR have been infringed as a result of the processing of his/her personal data in non-compliance with the GDPR.
- (2) Proceedings against Kitma Holdings Ltd. (Cyprus) or a processor shall be brought before the courts of the Member State where Kitma Holdings Ltd. (Cyprus) or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the individual has habitual residence. In Cyprus, the District Courts of Cyprus have jurisdiction in these kinds of proceedings. The proceedings can be brought – in the district where the claim arose or where the Kitma Holdings has its registered office- that is within the Nicosia District Courts.

Information on the competent courts and their contact details is available at

Nicosia District Court
Charalambos Mouskos str.
1405 – Nicosia
Cyprus
Telephone:(+357) 22865518
Fax:(+357) 22304212

e-mail:chief.reg@sc.judicial.gov.cy