

HSBC Malta Funds SICAV p.l.c.

171, Old Bakery Street

Valletta VLT 1455

Malta

Supplemental Statement dated 23 October 2019 to the Prospectus of HSBC MALTA FUNDS SICAV p.l.c. dated 5 December 2016 and the Supplemental Statements dated 6 July 2017 and 28 September 2018

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The Prospectus of the HSBC Malta Funds SICAV p.l.c. (the “**Company**”) is hereby amended as follows:

- i) On **page 77 of the Prospectus**, immediately before the heading “General”, the following shall be inserted:

Privacy Notice

1. HSBC Malta Funds SICAV plc, a company incorporated in Malta, having its registered office at 171, Old Bakery Street, Valletta, VLT1455, Malta (the “Company”; “we”, “us” or “our”) is committed to protecting the privacy and security of your personal information.

This privacy notice (the “Notice”) describes how we collect and use personal information about you, whether you are a direct or indirect investor in a fund, a third party service provider, or an employee/director of such a service provider, in accordance with the Data Protection Act (Chapter 586 of the Laws of Malta) and the General Data Protection Regulation ((EU) 2016/2679) as they may be updated from time to time and regulations promulgated thereunder.

- 1.1 The Company is a “data controller”. This means that we are responsible for deciding how we hold and use personal information (i.e. “personal data”) about you. We are required under applicable data protection legislation to notify you of the information contained in this Notice.
- 1.2 The purpose of this Notice is to set out the basis on which we will process your personal data, to inform you about how we will handle and look after your personal data and to tell you about (i) our obligations to process your personal data responsibly, your data protection rights as a data subject and (iii) how the law protects you.
- 1.3 It is important that you read this Notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using that personal data.

1.4 For identity purposes, the data controller is the Company.

2. Definition of terms

2.1 “Consent Form” refers to separate documents which we might from time to time provide you where we ask for your consent (unambiguous or explicit) for any processing which is not for purposes set out in this Notice.

2.2 “Data subject” includes all living individuals about whom we hold personal data.

2.3 “Data controller” means any entity or individual who determines the purposes for which, and the manner in which, any personal data is processed.

2.4 “Data processor” means any entity or individual that processes data on our behalf and on our instructions (we being the data controller).

2.5 “EEA” means European Economic Area.

2.6 “Personal data” means data relating to a living individual who can be identified from the data (information) we hold or possess. This includes, but is not limited to, your name and surname, address, date of birth, nationality, gender, civil status, tax status, spouse’s name, identity card number & passport number, contact details (including mobile and home phone number and personal email address), photographic image, bank account details, emergency contact information as well as online identifiers. The term “personal information”, where and when used in this Notice, shall be taken to have the same meaning as personal data.

2.7 “Processing” means any activity that involves use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data, including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties.

2.8 “Sensitive personal data” includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. This type of sensitive data can only be processed under strict conditions.

3. Data protection principles

We will use all efforts to ensure and maintain compliance with applicable data protection laws and principles. This means that the personal data we hold about you must be:

3.1 Used lawfully, fairly and in a transparent way.

3.2 Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.

3.3 Relevant to the purposes we have told you about and limited only to those purposes.

3.4 Accurate and kept up to date.

3.5 Kept only as long as necessary for the purposes we have told you about.

3.6 Kept securely.

4. The kind of information we process about you

4.1 We collect and maintain different types of personal information in respect of persons who have a working relationship with us (whether directly or through their employer).

We will generally collect, store, and use the following categories of personal data about you

- Personal details such as name, surname and title, and contact details such as home address, telephone number, mobile number and personal email address;

4.2 In case of persons who invest in funds administered by the Company, we may also need to collect, store and use the following “due diligence information”, in addition to the above listed data, on you and also on those persons you authorized to act on your behalf:

- Copy of your identity card and/or passport (i.e. identity documents).
- Copy of your police conduct certificate
- Copies of utility bills and bank statements

We treat and handle this due diligence information that we collect on you with the utmost confidentiality, and only process that information under appropriate safeguards and security measures. As outlined further below, we only process your due diligence information in strict circumstances, namely where necessary in order to comply with our legal obligations, including as a regulated entity.

5. How is your personal information collected?

5.1 We may collect your personal data directly from you, from our business partners or any of our service providers, as well as your employers or nominees, from other entities who may be providing you with services, such as banks, where this is authorised by you or in accordance with data protection laws, as well as from publicly available sources such as background check providers and compliance databases.

6. How we will use information about you

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- 6.1 Where we need to perform the contract we have entered into, directly or indirectly, with you or your employer.
- 6.2 Where we need to comply with a legal obligation.
- 6.3 Where it is necessary for our legitimate interests or those of a third party and your interests and your fundamental rights do not override those interests.
- 6.4 Upon your consent (limited scenarios).

We may also use your personal information in the following situations, which are likely to be rare:

- 6.4.1. Where we need to protect your interests (or someone else's interests).
- 6.4.2. Where it is needed in the public interest or for official purposes.

7. If you fail to provide personal information

- 7.1 If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations. In both instances we may have to terminate our services in your regard.

8. Change of purpose

- 8.1 We will only use your personal data for the purposes for which we have collected it, unless we reasonably consider that we need to use it for another reason and where that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal data without the need to obtain your consent, in compliance with the above rules, where this is required or permitted by law.

9. Sensitive personal data

Sensitive personal data requires higher levels of protection. We need to have further justification for collecting, storing and using this type of (sensitive) personal information.

Outside of exceptional circumstances, we will not collect or process sensitive personal data about you. If we request your consent to process sensitive data about you, and this is withheld, we may have to terminate our services in your regard.

10. Data sharing

- 10.1 We may share your personal data with third parties where:

- required by law or to comply with our legal obligations (for example, in the case of mandatory disclosure to a regulator such as the MFSA, the Registry of Companies or the FIAU);
- it is necessary to administer our services with you; or
- we have another legitimate interest for doing so (such as a possible sale or restructuring of the business).

We will not need to obtain your consent in either of the circumstances set out above.

- 10.2 Outside of the circumstances described in Clause 10.1 above, we will only share your personal data with third parties where there exists a lawful ground for doing so and which we will inform you of or if no such ground exists, upon the provision and receipt of your consent to do so.

- 10.3 “Third parties” includes third-party service providers (including professional advisors) public authorities and other entities within our group.

- 10.4 We only permit our third-party service providers to process your personal data for specified purposes and in accordance with our written instructions. They are contractually bound to respect the confidentiality of your personal data, and to only process it subject to appropriate safeguards.

11. Data security

- 11.1 We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. We have also put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

12. Transferring of personal data to a country outside the EEA

- 12.1 Where necessary for any of the purposes set out in Section 6 above, we may transfer the personal data we hold about you to a country outside the European Economic Area (EEA), in particular we may transfer your personal data (i) to administer the services we provide you, (ii) for the filing, assertion and defence of legal claims and/or (iii) to comply with a legal obligation to which the Company may be subject.

- 12.2 In the event that we need to transfer your personal data to countries outside the EEA for any purpose:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see European Commission: Adequacy of the protection of personal data in non-EU countries.

- In the absence of an adequacy decision, we will use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.

13. Data retention

- 13.1 We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for. This means that your personal data will be destroyed or erased from our systems when it is no longer required.
- 13.2 Generally speaking, investor data is kept for a period of ten years from the termination of the service whilst contractor data is kept for a period of six years from termination of the service.

14. Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

- 14.1 It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Right of Access

- 14.2 You have the right to request information as to whether or not your personal data is being processed by us, as well as information as to how and why it is being processed. You may send an email to Konrad.borgmyatt@hsbc.com requesting information and a copy of the personal data about you which we process. You shall receive one copy, free of charge and via email, of your personal data which is undergoing processing by us.

- 14.3 You have the right to request correction or rectification of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected and/or updated, though we may need to verify the accuracy of the new data you provide to us.

Right to Erasure

- 14.4 You have the right to request erasure of your personal data. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below). 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. In particular, notwithstanding a request for erasure, we may continue to retain your personal data where necessary for:

- compliance with a legal or regulatory obligation to which we are subject; or
- the establishment, exercise or defence of legal claims.

Right to Object

- 14.5 You have the right to 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. You also have the right to object where we are processing your personal data for direct marketing purposes.

Right to Restriction

- 14.6 You have the right to request the restriction of processing of your personal data. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

Right to Request Transfer (Data Portability)

- 14.7 You have the right to request the transfer (data portability) 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.

Exercise of Rights

- 14.8 If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact our data protection contact point in writing.

What we may need from you

- 14.9 We may need to request specific information from you to help us confirm your identity and ensure your right to access the information in question (or to exercise any of your other rights).
- 14.10 This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

Right to withdraw consent

14.11 In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact us at Konrad.borgmyatt@hsbc.com. This withdrawal of consent shall not affect any processing which may have taken place prior to such withdrawal. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

15. Data protection contact point and complaints

15.1 If you have any questions about this Notice or how we handle your personal information, please contact us on Konrad.borgmyatt@hsbc.com. You have the right to lodge a complaint at any time to a competent supervisory authority on data protection matters (including the authority in your place of habitual residence or work).

15.2 In the case of Malta, this is the Office of the Information and Data Protection Commissioner (“IDPC”) (<https://idpc.org.mt/en/Pages/Home.aspx>). We would, however, appreciate the opportunity to deal with your concerns internally before you approach the supervisory authority, so please bring the matter to our attention at the first instance.

16. Changes to this privacy notice

16.1 We reserve the right to update this Notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this Notice, please contact us at konrad.borgmyatt@hsbc.com.