

# LINCOLN INTERNATIONAL - GLOBAL PRIVACY NOTICE

Last modified on 20 September 2020

Lincoln International is committed to protecting your personal data. This Privacy Notice explains how we process and protect your personal data and respect any rights you benefit from under your local law.

## 1. PURPOSE OF THIS PRIVACY NOTICE

This Privacy Notice aims to give you information on how we collect and process your personal data, including any data you may provide through this website for example when you sign up to our newsletter, or through one of our virtual data rooms, or if you otherwise get in touch such as by phone or email.

It is important that you read this privacy policy together with any other statements or fair processing notices we may provide on specific occasions when we collect or process personal data so that you are fully aware of how and why we are using your data. This Privacy Notice supplements those other notices and is not intended to override them.

## 2. ABOUT US

In this Privacy Notice "**Lincoln International**", "**we**", "**us**" and "**our**" refers to all the offices of the Lincoln International Group processing your personal data under this Privacy Notice. Contact details of our offices around the world can be found at <https://www.lincolninternational.com/worldwide/>. The data controller(s) in respect of your personal data will be the Lincoln International entity or entities with which you are dealing.

All participating entities of the Lincoln International group (a list of all participating entities is available at [https://www.lincolninternational.com/wp-content/uploads/Controllers-List\\_September-2020.pdf](https://www.lincolninternational.com/wp-content/uploads/Controllers-List_September-2020.pdf)) jointly control a global CRM database, including for international customer support and customer acquisition as well as sending you occasional marketing information.

Where we process your personal data during your website visits, Lincoln International LLC is responsible for processing your personal data.

## 3. THIRD PARTY LINKS

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy policies. You should read any policies and other statements on such websites carefully.

## 4. THE DATA WE PROCESS ABOUT YOU

Personal data means any information about an individual from which that person can be

identified. It does not include data which has been anonymized such that a person's identity is removed.

We may collect, use, store and transfer different kinds of personal data. The categories of personal data which we process include:

- **Contact Data** such as names, job titles and other identifiers together with addresses, e-mail addresses and telephone numbers.
- **Client Data** including personal data in connection with and as a result of, providing our services (aside from Contact Data). This personal data varies according to the matter in question and in particular, depends on whether you represent a business or are an individual client. For example, we typically hold data about key contacts and other employees within our business clients, including information about their involvement in a matter or transaction. Where we act for individuals, we may hold bank account details, salary details and employment history including performance and disciplinary matters. In some cases, client data may also include special category data, for example if your identity documents which you provide us copies of, show your ethnic origin.
- **Third-Party Data** including data about people other than clients in connection with our services (e.g. Data Room Providers). This usually includes Contact Data about other professionals and counterparties to a transaction. It might also include data about trustees and beneficiaries such as their names and addresses. It may also include data about third party source of funds and those with a beneficial interest in a particular legal entity.
- **Technical Data** including internet protocol (IP) addresses, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our website. This may also include information about how you use your website and our services.
- **Marketing Data** includes marketing and communication preferences and data used for networking and business development such as employment history, role and information about personal interests.

## 5. FAIR AND LAWFUL PROCESSING

In some cases, where required by local law, we may ask you for explicit consent for processing your personal data for a specific purpose.

We only collect, use, disclose or otherwise process your personal data where it is fair and lawful to do so.

Where we need to collect personal data by your local law, under the terms of a contract we have with you or the organization you represent or for another lawful reason and you fail to provide that data, we may not be able to fully perform our obligations in accordance with our contract, provide you with the information you require, or even provide our services to you at all.

## 6. HOW YOUR PERSONAL DATA IS COLLECTED

Most of the personal data which we hold is collected directly, whether through an online data

room, by email, over the phone or through face to face interactions, and will be directly from you or in some cases might be provided by your colleagues. You may also provide information through our website, for example by signing up to our newsletter, or if you contact us to provide us with feedback.

Some of the technical data which we collect may be collected automatically as you interact with our website for example via the use of cookies and similar technologies.

## **7. PURPOSES FOR WHICH WE USE YOUR PERSONAL DATA**

We will only use your personal data when local law allows us to. The information below explains the purposes for which we use different categories of personal data. Your local law may require us to set out in this Privacy Notice the legal grounds on which we rely in order to process your personal data. In such case the information below also explains the legal basis or bases which we believe applies to those uses. We may process your personal data for more than one lawful basis depending on the specific purpose for which we are using your data.

### **• *Operating the Lincoln International website***

We process Contact Data and Technical Data to operate our website. This includes collecting data to deal with its functions such as handling requests to sign-up to our newsletter. This data also helps us to administer our website including troubleshooting, data analysis, testing, system maintenance and support. This means:

#### **Collection of general data and information**

Our website records a variety of general data and information each time you or an automated system accesses the website. This general data and information is saved in server log files. The following may be recorded: the browser type and version used, the operating system used by the accessing system, the website from which an accessing system accesses our website (called a referrer), the sub-pages accessed on our website by an accessing system, the date and time at which the website was accessed, an internet protocol address (IP address), the internet service provider of the accessing system, and other similar data and information that serves to protect against hazards in case of attacks against our IT systems.

We do not use this general information and data in such a way that allows it to be associated with you directly. This information is instead used to correctly supply the content of our website, optimize the content of our website and advertisements on the site, ensure the long-term functionality of our IT systems and website technology, and provide criminal prosecutors the information they need for criminal proceedings in case of a cyber-attack. This data and information is recorded anonymously by Lincoln International for statistical purposes, and is analyzed with the goal of improving data privacy and data security in our company, in order to ultimately ensure an optimal level of protection for the personal information we process. Anonymous server log file data is stored separate from all personal information provided by you.

#### **Use of cookies**

In addition, we use cookies on our website. Cookies are text files stored and saved on your computer system by your web browser. While some cookies are technical necessary for the use of the website (essential cookies), other cookies help us understand how people use our website (non-essential cookies). Non-essential cookies allow us to provide users of this website with more user-friendly services. This requires the saving of such non-essential cookies beyond the respective session. The data is collected and stored for marketing and optimization purposes. In particular, it is used to create pseudonymous usage profiles. Cookies may be used to create these profiles.

Cookies can be used to optimize the information and services available on our website to benefit users. They allow us to recognize returning website visitors. The purpose of this recognition is to make it easier for users to utilize our website. Users of a website that stores cookies, for example, do not need to input their access details each time they visit the site, since the website and the cookie saved on the user's computer system handles this function.

This website uses third-party analytic cookies (such as Google Analytics) in order to improve the quality and content of our website. Analytic cookies tell us how the website is being used, helping us continuously optimize our services. Usage data may be transmitted to and stored by the third-party cookie provider. We only transmit such data where we have the appropriate consents to do so (where such consent is required under your local law).

You can use the cookie settings on our website to customize your cookie preferences. While essential cookies cannot be disabled non-essential cookies will only be set after you consented to their use. You can at any time withdraw such consent by changing the cookie settings for the website. Also, you can prevent our website from saving cookies at any time by changing their web browser settings accordingly, thereby permanently objecting to cookies. In addition, cookies saved in the past can be deleted using a web browser or other software program at any time. All current web browsers are capable of deleting such cookies. If a user deletes cookies saved in their web browser, all functions of our website may not be available in full.

The use of data for this purpose is in our legitimate interests in managing and improving our website and its content which is an important tool for the development and operation of our business, and for network security.

- ***Contacting us via the website***

Lincoln International website includes information that allows you to quickly contact our company via electronic means and to communicate directly with us. You may contact us through the e-mail addressed provided. If you contact Lincoln International via e-mail, the personal data transmitted by you is automatically saved. Such personal data provided voluntarily by you to Lincoln International is saved for the purposes of processing or contacting you. We process your personal data for handling your request.

- ***Providing our services***

We use Contact Data, Client Data, Third-Party Data, and sometimes Technical Data for the

purpose of providing our services, and related tasks such as invoicing and payment, handling enquiries and administering our complaints procedure. This purpose may also involve us disclosing personal data to for example, other professionals involved in the matter such as solicitors, finance providers, accountants, and the advisors of counterparties. Occasionally, Contact Data and Client Data may also need to be disclosed to insurers.

Where we are acting for you personally, we use data in this way on the basis that it is necessary for fulfilling our client agreement with you for the provision of the services. In addition, and also where we are acting for your organization, we use this data on the basis that it is necessary for our legitimate interests in providing our core function.

- ***Managing our relationship with you***

We use Contact Data, Client Data, Third-Party Data, and sometimes Technical Data for the purpose of managing our relationship with you and our internal operations, such as asking you to provide feedback. We may also need to use this to respond to new enquiries which we may receive.

We do this on the basis that it is necessary for our legitimate interests in improving efficiency, training and monitoring of staff, quality control, and statistical analysis of our business performance.

- ***Regulatory compliance***

Under your local law Lincoln International may be regulated by public authorities and is required to comply with the rules specified by that body as well as rules relating to the avoidance of money laundering and other financial crime. Where required under your local law, we use Contact Data, some Third-Party Data and Client Data, to comply with those rules such as date of birth, passport and driving license details. Some of this is obtained from third party sources including information which is a matter of public record. We may also need to disclose information to our auditors which from time to time may include Client Data.

This is necessary to ensure that we comply with the legal obligations which we are subject to in particular those we adhere to as a regulated body including regulations in relation to the proceeds of crime and money laundering avoidance.

- ***Managing non-client relationships***

We use Third Party Data about suppliers, intermediaries and other professionals including investors, finance providers, solicitors, accountants, and legal and other professional advisors of counterparties. This usually only includes Contact Data in relation to those persons.

It is necessary to use data for this purpose for our legitimate interest in retaining services directly with such third parties, or otherwise because it is for the benefit of our clients in connection with a matter. Using this data facilitates a proper working relationship with third party professionals. We also use some of this data for business development purposes.

- ***Marketing and business development***

We may send to you marketing communications such as information about our services, upcoming events and updates including by way of our newsletter. This use includes Contact Data and Marketing Data whether relating to our clients, professional advisors or other contacts. It may also include some Technical Data where we track user activity and engagement with marketing messages (see section -> 11. Newsletter Tracking).

It is necessary for us to use data in this way to fulfil our legitimate interests in developing our business, winning new work and increasing our profile. We only send our newsletter where we have the appropriate consents to do so (see section -> 10. Your Choices Regarding Direct Marketing) in accordance with the rules relating to marketing communications (where such consent is required under your local law). We provide further information about this when data is collected such as on our online newsletter sign-up form. The type and content of marketing messages subscribers receive, and if it may contain third party content, is clearly outlined at the point of subscription.

## **8. CHANGE OF PURPOSE**

Where your local law requires us to do so, we will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. Please also note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **9. DATA TRANSFERS TO OTHER COUNTRIES**

Your personal data may be transferred to and processed in other countries where laws governing the processing of your personal data may be less stringent than the laws in your country (including jurisdictions outside the European Union or the European Economic Area).

To deliver our services to you, it is sometimes necessary for us to share your personal data outside the European Union (**EU**), for example:

- with Lincoln International offices or entities outside the EU
- with your and our service providers located outside the EU
- if you are based outside the EU
- where there is an international dimension to the matter in which we are advising you
- if one of our members of staff needs to access it remotely while they are travelling outside the EU.

In such cases, where required by local law, we will ensure that there are adequate safeguards in place to protect your personal data. Depending on the location of the Lincoln International entity or office exporting the relevant personal data, this adequate safeguard might be a data transfer agreement with the recipient based on standard contractual clauses approved by the European Commission. Where we are legally required to do so, further details of these transfers and copies of these agreements are available from us on request.

By using our website and services, to the extent required and valid under your local law, you explicitly consent to your personal data being transferred and processed this way.

## **10. YOUR CHOICES REGARDING DIRECT MARKETING**

We may periodically send you free newsletters, surveys, offers, and other promotional materials related to our services which we believe are useful for you, if you have opted-in to receive such messages via e-mail or any other electronic channel (where such opt-in is required under your local law).

If you do not wish to receive such communication anymore, you will always have the opportunity to “opt out” or withdraw your consent by following the unsubscribe instructions provided in each of our direct marketing e-mails or by contacting us directly (please see our contact information at “How to contact us” below).

Users of the Lincoln International website have the option to subscribe to the Lincoln International newsletter(s). They must use an input screen and must transmit certain personal information as indicated on that screen to Lincoln International.

Lincoln International informs its customers and business partners about services and updates within the company at regular intervals through the newsletter(s). In general, you can only receive the newsletter if (1) you have a valid e-mail address and (2) you are registered to have the newsletter sent to them. Where required under your local law, a confirmation e-mail is sent to the e-mail address you enter to receive the newsletter. This confirmation e-mail is used to ensure the e-mail address owner is you who has authorized the newsletter to be sent.

When you register for our newsletter, we save the IP address assigned to the computer system you are using by the internet service provider (ISP) at the time of registration, as well as the date and time of registration. We are required to record this data to track any (potential) misuse of your e-mail address at a later date and for the legal security of Lincoln International.

In addition, newsletter recipients may receive information via e-mail if necessary to provide the newsletter service or to register for this service, for instance if there are changes to the newsletter service or changes to technical circumstances. Personal information recorded to provide the newsletter service is never transmitted to third parties.

## **11. NEWSLETTER TRACKING**

Our newsletters contain so-called tracking pixels. A pixel-code is a thumbnail image embedded in e-mails sent in HTML format to enable log file recording and analysis. This allows a statistical evaluation of the success or failure of online marketing campaigns. By means of the embedded pixel-code we can see if and when an e-mail was opened by the subscriber and which links in the e-mail were called up by them.

We store and evaluate such personal data collected via the tracking pixels contained in the newsletters in order to optimize the dispatch of the newsletters and to adapt the content of future newsletters even better to the interests of the respective recipient. This personal data is not passed on to third parties. You are entitled at any time to withdraw your consent you have given in this regard when registering for the newsletter. After your withdrawal, we will delete this personal data. Unregistering for the newsletter is automatically interpreted by us as such withdrawal.

## 12. YOUR PRIVACY RIGHTS

Depending on your location, you may have various rights in relation to your personal data towards Lincoln International.

These rights may include:

- **Request access** to your personal data (a “data subject access request”). This means you can receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of your personal data: 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.** You can ask us to remove personal data where there is no good reason for us continuing to process it. You also have this right where you have successfully exercised your right to object to processing, where we may have processed your data unlawfully or where we are required to erase your personal data to comply with law. We may not always be able to comply with your request where there are particular legal reasons.
- **Object to processing** of your personal data where we rely on a legitimate interest basis and if the processing impacts on your fundamental rights and freedoms. You can also object to direct marketing. In some cases, we may demonstrate that we have grounds to process your data which override your rights and freedoms.
- **Request restriction of processing.** You can ask us to suspend the processing of your personal data: if you want us to establish the data's accuracy; where our data use is unlawful but you do not want us to erase it; where you need us to hold the data even if we no longer need it, to establish, exercise or defend legal claims; or you have objected to use of data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request a data transfer.** We will provide to you, or your chosen third party (where applicable), your personal data in a structured, commonly used, machine-readable format. This only applies to automated information which you provided consent for us to use or necessary to perform a contract with you.
- **Withdraw consent at any time** where we rely on consent to process your personal data. This will not affect the lawfulness of processing carried out before you withdraw your consent.

In addition, depending on your location, you may have the right to make a complaint to the competent supervisory authority. We would, however, like the opportunity to assist you with any concerns before you approach the competent supervisory authority so please contact us in the first instance using the details above.

Note that there may be exceptions to certain rights in particular, taking account of the nature of our work. For example, regulatory rules may mean that certain data cannot be disclosed in response to a request.



### **13. DATA SECURITY**

As the party responsible for processing this data, Lincoln International has taken many different technical and organizational measures to provide protection for personal information processed through this website. However, in general, all transmissions of data over the internet may be affected by gaps in security, and it is not possible to guarantee absolute protection. Because of this, all affected parties are also free to provide their personal information through alternative pathways, for instance over the telephone.

### **14. DATA RETENTION**

Statutory retention periods are used as the criteria for how long our company archives personal information. After the expiration of the legal retention period, such data is routinely deleted if it is no longer required to fulfill an agreement or initiate a contract.

If the purpose for which data was saved is eliminated, or if the archiving term specified by European regulators and issuing bodies expires, personal information is routinely blocked or deleted according to statutory regulations.

### **15. HOW TO CONTACT US**

- ***Contact details of our offices around the world***

Where we process your personal data we are generally doing so as a controller. Please contact the Lincoln International entity or entities with which you are dealing.

Contact details of our offices around the world can be found at <https://www.lincolninternational.com/worldwide/>.

- ***Global CRM Database***

Where we process your personal data for direct marketing purposes as joint controllers under this Privacy Notice, Lincoln International AG is responsible to inform you about your privacy rights under applicable data protection laws. You can address any requests or complaints you may have with regard to your personal data to Lincoln International AG. Other companies of Lincoln International that might also keep your personal data under this Privacy Notice will give Lincoln International AG full cooperation, assistance and information in order to comply with your privacy rights, the GDPR and other related legislation.

Lincoln International AG  
Ulmenstrasse 37 - 39  
60325 Frankfurt am Main  
Germany  
Phone: +49 (0) 69 97105 400  
E-Mail: [contact @ lincolninternational.de](mailto:contact@lincolninternational.de)

Lincoln International AG has appointed a data protection officer who has responsibility within Lincoln International for dealing with GDPR compliance matters under this Privacy Notice and can be contacted using the following details:

Lincoln International AG  
c/o data protection officer  
Ulmenstr. 37 - 39  
60325 Frankfurt am Main  
Germany  
Phone: +49 (0) 69 97105 400  
E-mail: dataprotectionofficer @ lincolninternational.de

- **Any questions regarding this Privacy Notice**

If you have any questions about this Privacy Notice, including any requests to exercise your privacy rights or if you have any other questions about how we handle personal data under this Privacy Notice, in the EU, please contact the data protection officer of Lincoln International AG. In the U.S. or any other country outside of the EU, please contact:

Lincoln International LLC  
c/o Troy Peters, General Counsel—North America  
500 West Madison Street, Suite 3900  
Chicago, IL 60661  
Phone: +1 (312) 506-1966  
E-mail: tpeters @ lincolninternational.com

## **16. CHANGES TO THIS PRIVACY NOTICE**

This Privacy Notice was last modified on 21 February 2020. This document is a notice to you and not a contract between us. We may occasionally modify or amend it from time to time. When we make changes to this Privacy Notice, we will update the revision date at the top of this Privacy Notice. Where those changes are material, we will take steps to let you know. The new modified or amended Privacy Notice will apply from that revision date. Please always verify whether you have consulted the latest version of the Privacy Notice.

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