

## DATA PRIVACY & ANTI MONEY LAUNDERING POLICY ("DP-AML")

1. This document summarises the DP-AML policy of ABS&P International Law Firm ("ABS&P").

This policy declares that during its business operations, ABS&P shall endeavour to protect the data privacy of its customers and others they interact with in accordance with law and to prohibit and actively prevent money laundering and any activity that facilitates money laundering or the funding of terrorist or criminal activities by complying with as far as possible with all applicable requirements in the relevant jurisdictions for themselves and its Associates.

These DP-AML policies, procedures and internal controls are designed to ensure compliance with all relevant and applicable compliance regulations concerning money laundering and other criminal activities and data privacy and will be reviewed and updated on a regular basis to ensure appropriate policies, procedures and internal controls are in place to account for changes in the applicable regulations.

### 2. DP-AML Compliance Officer's Designation and Duties

ABS&P has designated its Managing Partner as its Data Privacy & Anti-Money Laundering Policy Compliance Officer (DP-AML Compliance Officer), with full responsibility to act in respect to this DP-AML policy.

ABS&P's DP-AML Compliance Officer will be qualified to undertake their duties by virtue of professional training in DP-AML procedures and/ or will have been qualified by experience, knowledge. The duties of the DP-AML Compliance Officer will include monitoring ABS&P's compliance with DP-AML obligations as well as overseeing communication and training for its employed and business partners (where appropriate).

The DP-AML Compliance Officer shall also ensure that ABS&P keeps and maintains all of the required DP-AML records and will ensure that Suspicious Activity Reports (SAF's) are filed with all relevant Financial Crimes Enforcement Networks (FinCEN) when appropriate. The DP-AML Compliance Officer is vested with full responsibility and authority to enforce this DP-AML policy. ABS&P will provide its bank and all/ any relevant associated institutional financier/s with contact information for its DP-AML Compliance Officer, including: (1) name; (2) title; (3) mailing address; (4) email address; (5) telephone number; and (6) facsimile number upon its request.

ABS&P will promptly notify its bank and relevant associated institutional financiers with any change in this information and will review, and if necessary update, this information within 17 business days after the end of each calendar year.

The annual review of this DP-AML Program will be conducted by the Managing Partner of ABS&P with all necessary updates being provided no later than 17 business days following the end of each calendar year. In addition, if there is any change to the information, they will update the information promptly, but in any event not later than 30 days following the change.

### 3. Giving DP-AML Information to Relevant Law Enforcement Agencies and Other Financial Institutions

ABS&P shall co-operate with and respond to all requests from DP-AML Regulated Firms, relevant Law Enforcement Agencies and Authorised Individuals concerning data privacy and engagements with its customers and relevant transactions where this is supported by evidence that DP-AML laws

and regulations in any jurisdiction may have been breached. This co-operation shall include providing the information required in the time limit specified by the requester.

#### 4. Voluntary Information Sharing With Other Financial Institutions

ABS&P will share information with other financial institutions regarding individuals, entities, organizations and countries for purposes of identifying and, where appropriate, reporting activities that its suspects may involve possible terrorist activity or money laundering and/ or breaches of any relevant data privacy laws. ABS&P shall employ strict procedures both to ensure that only relevant information is shared and to protect the security and confidentiality of this information, for example, by segregating them from its other books and records. ABS&P shall also employ procedures to ensure that any information received from another financial institution will not be used for any purpose other than:

- satisfying in full its data privacy obligations to data privacy subjects
- identifying and, where appropriate, reporting on money laundering or terrorist activities;
- determining whether to establish or maintain an account, or to engage in a transaction; or
- assisting the financial institution in complying with performing such activities.

#### 5. KYC/ KYB - Required Customer Information

Prior to delivering the services requested of them ABS&P shall collect the following information in respect to any person, entity or organization whose name is on the application document to ABS&P:-

- (1) the full name of all individuals concerned with the application and its date of birth (for individuals);
- (2) an address, which will be a residential or business street address (for an individual), an Army Post Office (APO) or Fleet Post Office (FPO) box number, or residential or business street address of next of kin or another contact individual (for an individual who does not have a residential or business street address), or a principal place of business, local office, or other physical location (for a person other than an individual); and an identification document number (e.g, passport)
- (3) where the applicant is a legal entity, ABS&P will procure information from its agents that identifies its owners/ directors and the firm in a public registry.

If a potential or existing customer either refuses to provide the information described above when requested, or appears to have intentionally provided misleading information, ABS&P will not engage with them and if this occurs after engagement, after considering the risks involved, shall terminate the existing engagement agreement. In either case, its DP-AML Compliance Officers will be notified so that ABS&P can determine whether they should report the situation to relevant institutions. All relevant ABS&P subsidiaries, committees or divisions shall use their best endeavours to collect and deal with the data in full compliance with GDPR and/or other relevant data privacy regulations.

#### 6. Verifying Information

Based on the risk, and to the extent reasonable and practicable, ABS&P will ensure that it has reasonable belief that it knows the true identity of its customers by using risk-based procedures to verify and document the accuracy of the information they get about its customers. Its DP-AML Compliance Officer will analyse the information obtained to determine whether the information is sufficient to form a reasonable belief that ABS&P knows the true identity of the customer (e.g., whether the information is logical or contains inconsistencies).

ABS&P shall verify its customers' identities through documentary means, non-documentary means or both. ABS&P will use documents to verify customer identity when appropriate documents are available. In light of the increased instances of identity fraud, it will supplement the use of documentary evidence by using the non-documentary means described below whenever necessary. Non-documentary means may also be used if it is still uncertain about whether it knows the true identity of the customer. In verifying the information, ABS&P will consider whether the identifying information that is received, such as the customer's name, street address, post/ zip code, telephone number (if provided), date of birth and Social Security number, allows it to determine that it has reasonable belief that it knows the true identity of the customer (e.g., whether the information is logical or contains inconsistencies).

7. Appropriate documents for verifying the identity of customers include the following:

For an individual: an unexpired government-issued identification evidencing nationality or residence and bearing a photograph or similar safeguard, such as a driver's license or passport; and  
For a person other than an individual: documents showing the existence of the entity, such as certified articles of incorporation, a government-issued business license, a partnership agreement or a trust instrument.

ABS&P appreciates that it is not required to take steps to determine whether the document that the customer has provided to them for identity verification has been validly issued and that it may rely on a government-issued identification as verification of a customer's identity. If, however, if ABS&P finds that the document shows some obvious form of fraud, it must consider that factor in determining whether it can form a reasonable belief that it knows the customer's true identity.

ABS&P will use the following non-documentary methods of verifying identity:

1. Independently verifying the customer's identity through the comparison of information provided by the customer with information obtained from a consumer reporting agency, public database or other such sites.
2. Checking references with other financial institutions; or
3. Obtaining a financial statement.

ABS&P will use non-documentary methods of verification when:

1. The customer is unable to present an unexpired government-issued identification document with a photograph or other similar safeguard;
2. Where ABS&P is unfamiliar with the documents the customer presents for identification verification;
3. The customer and ABS&P do not have face-to-face contact; and
4. There are other circumstances that increase the risk that ABS&P will be unable to verify the true identity of the customer through documentary means.

ABS&P shall verify the information within a reasonable time before or after they engage with the customer. Depending on the nature of the engagement and facilities/services requested, it may refuse to deliver a facility/ service before it has verified the information, or in some instances when more time is needed, it may, pending verification, restrict the types of facilities/ services requested. If it finds suspicious information that indicates possible money laundering, terrorist investment activity, or other suspicious activity, ABS&P will, after internal consultation with its DP-AML Compliance Officer, file a report in accordance with applicable laws and regulations.

ABS&P recognises that the risk that it may not know the customer's true identity may be heightened for certain types of customer engagement such as applications for facilities/ services in the name of a corporation, partnership or trust that is created or conducts substantial business in a jurisdiction that has been designated by relevant international regulatory agencies (e.g., IMF) as a primary money laundering jurisdiction, a terrorist concern, or has been designated as a non-cooperative country or territory. ABS&P shall identify customers that pose a heightened risk of not being properly identified. It will also take such additional measures that it may deem necessary to obtain information about the identity of the individuals associated with the customer when standard documentary methods prove to be insufficient.

## 8. Records Keeping

Without prejudice to other privacy regulations as well as AML rules and regulations that may apply, the general policy of ABS&P is never to retain any personal records of those it has any kind of interaction with unless there is a strict legal obligation upon it to do so.

## 9. Notice to Customers

ABS&P will provide notice to customers when they are requesting information from it for its DP-AML compliance obligations and that the information collected will be processed in accordance with such compliance obligations.

## 10. General Customer Due Diligence

It is important for DP-AML reporting that ABS&P has sufficient information about each customer to allow it to evaluate the risk presented by that customer and to detect and report suspicious activity. When ABS&P engages with a customer, the due diligence that it performs may be in addition to customer information obtained for purposes of its providing facilities/ services for the customer.

## 11. DP-AML Record-keeping

The relevant ABS&P DP-AML Compliance Officer will be responsible for ensuring that DP-AML records are maintained properly and all relevant reports, disclosures and adjustments to them are filed as required in compliance with all relevant legal obligations upon them. The overall policy of ABS&P is to endeavour not to retain its customers' data unless this is required by law.

## 12. Training Programs

ABS&P will develop ongoing employee/ solutions partners training under the leadership of its DP-AML Compliance Officer. The training will occur on at least an annual basis and will be regularly updated to reflect any new developments in the law concerning DP-AML. The training will include, at a minimum: (1) how to identify red flags and signs of money laundering that arise during the course of its employees' duties; (2) what to do once the risk is identified (including how, when and to whom to escalate unusual customer activity or other red flags for analysis and, where appropriate, the filing of suspicious activity reports, etc.); (3) what employees'/ business partners roles are in ABS&P's compliance efforts and how to perform them; (4) data privacy and records retention policy; and (5) the disciplinary consequences (including civil and criminal penalties) for non-compliance with any relevant data privacy regulations.

ABS&P will develop its own DP-AML training program, or contract for its delivery. Delivery of the training may include educational pamphlets, videos, intranet systems, in-person lectures and

explanatory memos. ABS&P will maintain records to show the persons trained, the dates of training and the subject matter of its training.

### 13. Confidential Reporting of DP-AML Non-Compliance

ABS&P Members (any person or entity which has a service provider relationship with ABS&P) shall promptly report any potential violations of this DP-AML compliance program to the DP-AML Compliance Officer, unless the violations implicate the DP-AML Compliance Officer, in which case the employee shall report the matter to the Board of ABS&P via its Resident Agent. Such reports shall be confidential, and the reporter will suffer no retaliation for making them.

### 14. Cookies Policy

This Cookies Policy explains what Cookies are and how we use them. You should read this policy to understand what type of cookies we use, or the information we collect using Cookies and how that information is used.

Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you which may be linked to the information stored in and obtained from Cookies. Information on how we use, store and keep your personal data secure is in our Privacy Policy. We do not store sensitive personal information, such as mailing addresses, account passwords, etc. in the Cookies We use.

#### *Interpretations & Definitions*

The words of which the initial letter is capitalized have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

#### **Definitions**

For the purposes of this Cookies Policy:

- **Company** (referred to as either "the Company", "We", "Us" or "Our" in this Cookies Policy) refers to Alexander Byrne Sidhu & Partners SA, Forum 1, Edificio E, Piso 1 (RE&B), Santa Ana, San Jose, Costa Rica.
- **Cookies** means small files that are placed on Your computer, mobile device or any other device by a website, containing details of your browsing history on that website among its many uses.
- **Website** refers to ABS&P International Law Firm, accessible from <https://www.absplawyers.com>
- **You** means the individual accessing or using the Website, or a company, or any legal entity on behalf of which such individual is accessing or using the Website, as applicable.

#### *Types of Cookies we use*

Cookies can be "Persistent" or "Session" Cookies. Persistent Cookies remain on your personal computer or mobile device when You go offline, while Session Cookies are deleted as soon as You close your web browser.

We use both session and persistent Cookies for the purposes set out below: -

#### **Necessary / Essential Cookies**

Type: Session Cookies

Administered by: Us

Purpose: These Cookies are essential to provide You with services available through the Website and to enable You to use some of its features. They help to authenticate users and prevent fraudulent use of user accounts. Without these Cookies, the services that You have asked for cannot be provided, and We only use these Cookies to provide You with those services.

### **Functionality Cookies**

Type: Persistent Cookies

Administered by: Us

Purpose: These Cookies allow us to remember choices You make when You use the Website, such as remembering your login details or language preference. The purpose of these Cookies is to provide You with a more personal experience and to avoid You having to re-enter your preferences every time You use the Website.

### *Your Choices Regarding Cookies*

If you prefer to avoid the use of Cookies on our Website, you must first disable the use of Cookies in your browser and then delete the Cookies saved in your browser associated with our website.

You may use this option for preventing the use of Cookies at any time.

If you do not accept Our Cookies, You may experience some inconvenience in your use of our Website and some features may not function properly.

If you would like to delete Cookies or instruct your web browser to delete or refuse them, please visit the help pages of your web browser.

For the Chrome web browser, please visit this page from Google:

<https://support.google.com/accounts/answer/32050>

For the Internet Explorer web browser, please visit this page from Microsoft:

<http://support.microsoft.com/kb/278835>

For the Firefox web browser, please visit this page from Mozilla:

<https://support.mozilla.org/en-US/kb/delete-cookies-remove-info-websites-stored>

For the Safari web browser, please visit this page from Apple:

<https://support.apple.com/guide/safari/manage-cookies-and-website-data-sfri11471/mac>

For any other web browser, please visit your web browser's official web pages.

### *Contact Us*

If you have any questions about this Cookies Policy, You can contact us by email at: [pivacy@absplawyers.com](mailto:pivacy@absplawyers.com).

### 15. Board Approval

ABS&P's Board has approved this DP-AML compliance program as reasonably designed to achieve and monitor its respective ongoing compliance with the requirements of all legal obligations upon it and its Members in relation to their applicable DP-AML obligations.

Updated: 29<sup>th</sup> October 2023