

## **PRIVACY AND TERMS**

This is First Manhattan's privacy notice. FMC Group Holdings LP and its affiliates (collectively, "First Manhattan") collect nonpublic personal information from consumers as part of their business processes. Financial companies can choose how they share this personal information. Federal law gives consumers the right to limit some but not all sharing of this personal information that is collected. First Manhattan is required to tell consumers how we collect, share, and protect our consumers' personal information. The notice below discusses this topic. Please read this privacy notice carefully.

The categories and types of personal information First Manhattan collects and shares will depend on the product or service and the relationship you have with First Manhattan. First Manhattan will collect Personal Information in a variety of situations to provide financial products and services, and for our employment and human resource purposes.

During the past 12 months, First Manhattan has collected the following categories of Personal Information:

- Information from the consumer;
- Information from the consumer's transactions with First Manhattan or its affiliates;
- Information about the consumer's transactions with nonaffiliated third parties;
- Information from a consumer reporting agency;
- Personal Identifiers — Can include personal unique identifiers, such as full name and federal or state issued identification numbers including Social Security number, driver's license number, and passport number;
- Personally Identifiable Information ("PII") — Can include personal information, including contact details such as telephone number and address, and financial information such as account number and balance;
- Characteristics of Protected Classes — Characteristics of protected classes or groups under state or federal law, such as sex or marital status;
- Purchase Information — Purchase information, such as products and services obtained and transaction and disbursement histories;
- Credit History;
- Biometric Information — Biometric information, such as fingerprints and voiceprints for employees;
- Internet or Online Information — Internet or online information such as browsing history and information regarding interaction with our website;

---

Through various operating subsidiaries, FMC Group Holdings LP ("First Manhattan") provides a range of brokerage and investment advisory services. First Manhattan Securities LLC (Member SIPC, FINRA, NYSE, and MSRB), a wholly owned subsidiary of First Manhattan, is a registered broker-dealer. First Manhattan Co. LLC, a wholly owned subsidiary of First Manhattan, is an investment adviser registered with the SEC. None of First Manhattan, its affiliates, and its or their personnel provide banking services or legal, tax, or accounting advice.

- Geolocation Data — Geolocation data, such as device location;
- Audio and Visual Information — Audio, electronic, visual, or similar information;
- Employment Information — Professional or employment-related information, such as work history and prior employer;
- Education Information — Education information, such as school and related information; and
- Inferences — Inferences based on information about an individual to create a summary about, for example, an individual's preferences and characteristics.

### **SENSITIVE PERSONAL INFORMATION**

Subject to the relevant jurisdictional regulatory requirements, we may process sensitive personal information. We will only use and disclose sensitive personal information for, or in furtherance of, a purpose for which it was originally collected. Unless we request it, we ask that you not send us, or disclose, any sensitive personal information.

Within the last twelve (12) months, we have collected and processed the following categories of sensitive personal information:

- Information related to racial, ethnic origin, political opinions, religious or philosophical beliefs, union membership, sex life or sexual orientation;
- A social security, driver's license, state identification card, or passport number;
- An account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account; and
- The contents of an individual's mail, email, and text messages where the business is not the intended recipient of the communication.

### **SOURCES OF PERSONAL INFORMATION THAT FIRST MANHATTAN RECEIVES ABOUT YOU**

The sources from which First Manhattan collects Personal Information depend on a number of factors including our relationship or interaction with you. The information below lists the categories of sources:

- Directly from you, or another individual acting on your behalf – this may be done through physical or electronic sources both in person and/or remotely.
- Public records or widely available sources – examples are information from the media, and other records and information that are made available by federal, state, or local government entities.
- Outside companies or organizations – for example, third parties that provide data to support activities such as anti-fraud protection, underwriting, and marketing, internet service providers, social networks, operating systems and platforms, data brokers, advertising networks, and data analytics providers.

- Outside companies or organizations from whom we collect Personal Information to support human resource and workforce management activities. Examples may include operating systems and platforms, and social networks.
- Outside companies or organizations from whom we collect Personal Information as part of providing products and services, completing transactions, supporting our everyday operations, or business management and development. Examples include companies or organizations to whom we provide products or services; other parties, partners, and financial institutions; and parties involved with mergers, acquisitions, and other transactions involving transfers of all or part of a business, or a set of assets.

### **WHY FIRST MANHATTAN COLLECTS PERSONAL INFORMATION FROM OR ABOUT YOU AND HOW WE USE IT**

The purposes for which we collect and use Personal Information depend on, among other things, our relationship or interaction with you.

The following list provides the purposes for which we collect and use Personal Information:

- Provide and manage products and services – establish account(s) and process investments and transactions for our customers, products and services including ongoing management and maintenance functions such as providing statements, hosting online access to accounts, disbursements, payments and communicating and providing notifications.
- Support everyday operations, including but not limited to those related to legal, compliance and risk functions – monitoring and reporting, accounting functions, information security functions, anti-fraud protections, due diligence, audits and investigations, legal requests and demands, utilization of vendors and service providers for business purposes, comply with laws, regulations, policies, procedures and contractual obligations.
- Managing, improving and developing our business – market, develop, and improve our products and services, including our customer and consumer relationships, conduct research and analysis, drive innovation, evaluate and, as necessary, successfully complete any mergers, acquisitions, and other transactions involving transferring of assets or parts of a business.
- Support employment and human resources – providing benefits to employees and their dependents, managing all aspects of compensation, operating and managing facilities and resources, and performing employment research and processing new hires and leaving employees.

### **CATEGORIES OF THIRD PARTIES AND OUR DISCLOSURE OF PERSONAL INFORMATION**

Financial institutions require consumers' personal information to accomplish their business objectives and take the steps necessary for everyday business. As part of successfully accomplishing our business objectives, First Manhattan shares personal information at times.

During the past 12 months, we have disclosed for our business purposes the categories of Personal Information listed above to the following categories of third parties:

- Outside companies or organizations, including service providers and vendors that are subject to appropriate confidentiality and use restrictions, to whom we disclose Personal Information as part of providing products and services effectively, completing transactions, supporting our everyday operations, and/or business management and development. Examples may include internet service providers, operating systems and platforms, data brokers, advertising networks, and data analytics providers; companies or organizations to whom we provide products or services; other parties, partners, and financial institutions; and parties involved with mergers, acquisitions, and other transactions involving transfers of all or part of a business, or a set of assets.
- Companies or individuals that represent you such as an accountant, financial advisor, lawyer, or person holding power of attorney on your behalf.
- Government agencies including to support regulatory and legal requirements.
- Outside companies or organizations, including service providers subject to appropriate confidentiality and use restrictions to whom we provide Personal Information to support human resource activities and workforce management. Examples may include operating systems and platforms and data analytics providers.
- Outside companies or organizations, in connection with routine or required reporting, including consumer reporting agencies and other parties. Below you will see, for each category of Personal Information First Manhattan collects, the categories of third parties to whom we disclose for our business purposes information from that category.
- Personal Identifiers are disclosed to outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies, outside organizations in connection with human resource and workforce management and any outside companies or organizations that have required reporting.
- Personal Information is disclosed to outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies, outside organizations in connection with human resource and workforce management and any outside companies or organizations that have required reporting.
- Characteristics of protected classes are disclosed to outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies, outside organizations in connection with human resource and workforce management and any outside companies or organizations that have required reporting.
- Purchase information is disclosed to outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies, outside organizations in connection with human resource and workforce management and any outside companies or organizations that have required reporting.
- Biometric information is shared with outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business

management and development and outside organizations in connection with human resource and workforce management.

- Internet or online information is shared with outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies, outside organizations in connection with human resource and workforce management and any outside companies or organizations that have required reporting.
- Geolocation data is shared with outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies, outside organizations in connection with human resource and workforce management and any outside companies or organizations that have required reporting.
- Audio and visual information is shared with outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies and outside organizations in connection with human resource and workforce management.
- Employment information is shared with outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies, outside organizations in connection with human resource and workforce management and any outside companies or organizations that have required reporting.
- Education information is shared with outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies, outside organizations in connection with human resource and workforce management and any outside companies or organizations that have required reporting.
- Inferences are shared with outside organizations in connection with providing our products and services, completing transactions, supporting our operations, business management and development, your authorized representative(s), government agencies, outside organizations in connection with human resource and workforce management and any outside companies or organizations that have required reporting.

#### **CAN I OPT-OUT OF THE SHARING OR SELLING OF MY INFORMATION TO THIRD PARTIES? WHAT DO WE DO WITH YOUR INFORMATION?**

We may provide your personal information to our affiliates and to firms or third parties that assist us in servicing your account and have a need for such information, such as accountants, legal counsel, etc. as described above. We may also disclose such information to service providers and financial institutions with whom we have marketing arrangements (i.e., a formal agreement between nonaffiliated financial companies that together market financial products or services to you, such as placement agents). We require third-party service providers and financial institutions with which we have joint marketing arrangements to protect the confidentiality of your information and to use the information only for the purposes for which we disclose the information to them. These sharing

practices are consistent with Federal privacy and related laws, and in general, you may not limit our use of your personal information for these purposes under such laws. We note that the Federal privacy laws only give you the right to limit the certain types of information sharing that we do not engage in (e.g., sharing with our affiliates certain information relating to your transaction history or creditworthiness for their use in marketing to you, or sharing any personal information with non-affiliates for them to market to you). First Manhattan does not sell any of the personal information it collects from and about you to third parties.

#### **DATA RETENTION AND STORAGE**

Your personal information will be retained only for as long as the information is needed to fulfill the purposes for which it was collected and processed. We reserve the right to retain and use your personal information for as long as necessary to comply with our legal obligations and business requirements and/or to resolve ongoing disputes and enforce our agreements.

#### **OUR SITE AND USE OF COOKIES**

We use various technologies to collect other types of information, including PII, automatically. For example, to measure the usefulness and efficiency of our sites, we automatically track certain information from all visitors to our sites. The types of information we might track may include the Internet address that you just came from, which Internet address you go to, what browser you are using, your IP address, your internet service provider, date and timestamp information, or clickstream information.

Additionally, like most interactive websites, we use "cookies" on certain pages of our sites. "Cookies" are small data files that are stored on your hard drive that store certain information, including certain PII, accessible to our sites, such as your password and any information content preferences you may voluntarily set at our sites. These technologies help us recognize you, customize your experience on the sites, and analyze your use of the sites to make them more useful to you. For more details, please refer to our [Cookie Policy](https://firstmanhattan.com/uploads/documents/COOKIE-POLICY.pdf) (accessible at <https://firstmanhattan.com/uploads/documents/COOKIE-POLICY.pdf>).

#### **HOW DOES FIRST MANHATTAN PROTECT PERSONAL INFORMATION?**

First Manhattan uses security measures that comply with federal law and our regulators' guidance to protect our consumers' personal information from unauthorized access or unauthorized use. The security measures we use include computer and technology safeguards, secured files and buildings and only allowing access to the information to those who need the information for a legitimate business purpose. We do share information as required with service providers and vendors who agree to keep confidential any personal information they receive and to use the information only for the particular purpose that it has been provided. We have practices and procedures in place to ensure the confidentiality of your information in accordance with our policies.

#### **THE CALIFORNIA CONSUMER PRIVACY ACT AND YOUR PERSONAL DATA RIGHTS**

The California Consumer Privacy Act ("CCPA") as amended by the California Privacy Rights Act ("CPRA") requires us to make certain additional disclosures and provides California residents with the ability to request additional information about their personal information. If you are a California

resident and it is determined that the CCPA applies to you, this section details those rights, how you may exercise them, and what First Manhattan will do in response. Please note that the rights under the CCPA do not apply to personal information collected, processed, sold or disclosed pursuant to Gramm-Leach-Bliley Act (Public Law 106-102) and Fair Credit Reporting Act (12 CFR 1022).

#### **Sharing and Disclosures of CA Resident Personal Information (“PI”)**

Under the CPRA, sharing is defined as the disclosure of personal information to third parties for purposes of “cross-context behavioral advertising.” Cal Civil Code Section 798140 (ah) (1). First Manhattan does not sell or share your PI and has not done so within the past twelve (12) months. If you are an individual who resides in California and whose personal information is collected and processed by First Manhattan, you may have the right to:

- Request that we disclose, free of charge, the categories and specifics of the personal information we collect about California residents, the sources from which the personal information was collected (and/or, if applicable, sell or otherwise disclose to a third party), and the business purpose for collecting personal information.
- Request the correction of any inaccurate Personal Information maintained by us about you.
- Request that we limit the use of your Sensitive Personal Information under certain circumstances. Currently, however, First Manhattan does not sell or share your personal information.
- Choose to opt-out of the sale of personal information. Currently, however, First Manhattan does not sell personal information.
- Request that we delete the personal information we have collected. Following our verification of the request, we may comply with the request and delete certain personal information in our possession that we collected from the California resident and/or any or all such personal information in the possession of our service providers, unless otherwise restricted by law or regulation. We follow the requirements of California Civil Code §1798.125 and will not discriminate against any consumer who exercises the rights set forth in this privacy notice.

#### **QUESTIONS OR CONCERNS AND EXERCISE OF YOUR PERSONAL INFORMATION RIGHTS**

If you have any questions or concerns regarding the information in this privacy notice or would like to exercise any of your rights set forth in this privacy notice, please contact us at the following toll-free number: 888.808.4919 or the Chief Compliance Officer at 212.756.3300. Please include a description of what right you want to exercise and the information to which your request relates. Please note that you may only make a disclosure request twice within a 12-month period.

#### **VERIFYING YOUR IDENTITY**

If you are a consumer or an employee, please provide identifying information. For all other individuals, we will ask that you provide more information to assist in identifying you. We will attempt to confirm your identity.



**AUTHORIZED AGENT**

California residents may authorize an agent to make an access or deletion request on your behalf. A California resident's authorized agent may make a request on behalf of the California resident by contacting us at the following toll-free number: 888.808.4919 or the Chief Compliance Officer at 212.756.3300. As part of our verification process, we may request that you provide, as applicable, identifying information of both the person making the request and granting the authority and confirmation of authorization to make the request.