



# Kenmare Resources plc website and shareholder privacy notice

## INTRODUCTION

Welcome to the privacy notice applicable to the website of Kenmare Resources plc (referred to as “Kenmare”, “we”, “us” or “our” in this privacy notice) and Kenmare’s interactions with its shareholders.

Kenmare respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

Please consult the Glossary at the end of this privacy notice to understand the meaning of some of the terms used in this privacy notice.

## 1. IMPORTANT INFORMATION AND WHO WE ARE

### PURPOSE OF THIS PRIVACY NOTICE

This privacy notice aims to give you information on how Kenmare collects and processes your personal data through your use of our website, including any data you may provide through our website when you register for Alerts. It also aims to give you information on how Kenmare collects and processes your personal data if you are a shareholder of Kenmare.

Our website is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

### CONTROLLER

Kenmare Resources plc is the controller and responsible for your personal data.

If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact us using the details set out below.

### CONTACT DETAILS

Our full details are:

Legal entity: Kenmare Resources plc

Email address: [dataprotection@kenmareresources.com](mailto:dataprotection@kenmareresources.com)

Postal address: 4<sup>th</sup> Floor, Styne House  
Hatch Street Upper  
Dublin 2  
D02 DY27  
Ireland

Telephone number: +353 (0) 1 671 0411

You have the right to make a complaint at any time to the Data Protection Commission, the Irish supervisory authority for data protection issues ([www.dataprotection.ie](http://www.dataprotection.ie)). We would, however, appreciate the chance to deal with your concerns before you approach the Data Protection Commission, so please contact us in the first instance.

## **CHANGES TO THE PRIVACY NOTICE AND YOUR DUTY TO INFORM US OF CHANGES**

Changes may be made to this privacy notice (including to reflect adoption of new laws and guidelines issued by the Data Protection Commission and other bodies). If changes are made, historic versions can be obtained by contacting us.

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.

## **THIRD-PARTY LINKS**

Our 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 statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

## **2. THE DATA WE COLLECT ABOUT YOU**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes, to the extent collected through our website, first name and last name, and may include which organisation you are affiliated with; to the extent you contact us by email or otherwise, it may include first name, last name, marital status, title and gender, which

organisation you are affiliated with, as well as other identity data you provide us with; to the extent Technical Data allows us to identify this, your first name and last name and any organisation you are affiliated with.

- **Contact Data** includes, to the extent collected through our website, your email address; if you contact us by email or otherwise, may include, if provided by you, your address and telephone numbers to the extent Technical Data allows us to identify this, your address or web address.
- **Technical Data** includes internet protocol (IP) address, 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.
- **Profile Data** includes your username and, if applicable, your password.
- **Usage Data** includes information about how you use our website.
- **Communications Data** includes your preferences in receiving communications from us.
- **Shareholder Data** means information held on Kenmare's share register, information relating to your shareholdings or share certificates (including Shareholder Reference Number (SRN)), payment instructions relating to any distributions to you, communications with you as a shareholder and information in relation to any actions taken by you as a holder of shares in Kenmare; it also includes information that may identify you as a person with an (indirect) interest in Kenmare shares.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

### 3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity and Contact Data by filling in forms; you may also give us Identity, Contact and Shareholder Data by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you subscribe to our Alert Service.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this

personal data by using cookies, server logs and other similar technologies.

- **Third parties or publicly available sources.** We may receive personal data about you from various third parties as set out below:
  - Identity, Contact, Technical, Profile, Usage and Communications Data from Investis Limited, based in the UK, who administer our website and Alert Service on our behalf;
  - Identity, Contact and Shareholder Data from Computershare Investor Services (Ireland) Limited, based in Ireland, who act as registrar in relation to Kenmare shares.
  - Identity, Contact and Shareholder Data from companies that provide an analysis of Kenmare’s share register, such as JunctionRDS Limited, based in the UK.
  - Identity, Contact and Shareholder Data from various information providers and publicly available sources, such as corporate registries.

#### **4. HOW WE USE YOUR PERSONAL DATA**

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:

- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation, including our obligation to you as a shareholder.

Please see below (under “Purposes for which we will use your Personal Data” to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally, we do not rely on consent as a legal basis for processing your personal data other than where you have chosen to receive Kenmare communications through our Alert Service. You have the right to withdraw consent to those communications at any time by contacting us using the details above or through the Alert Service webpage.

#### **PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA**

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new user of our Alert Service and send you Alerts and, where you have consented, marketing communications from third parties.	(a) Identity (b) Contact (c) Communications	Consent
If you are a shareholder, to manage our relationship with you as a shareholder:  (a) Communicate with you as required by law, regulation and the rules of applicable listing authorities and stock exchanges  (b) Process and act upon any vote or decision or action you take as a shareholder or any payment instruction given by you or on your behalf	(a) Identity (b) Contact (c) Shareholder	(a) Performance of the Company's constitution which constitutes the performance of a contract with you (in accordance with section 31 of the Companies Act 2014)  (b) Necessary for our legitimate interests (to communicate with and perform our obligations to our shareholders and the requirements of Irish companies law)
To understand Kenmare's shareholder base (including on a look-through basis to beneficial holders), including changes in that shareholder base.	(a) Identity (b) Contact (c) Shareholder	Necessary for our legitimate interests (to understand Kenmare's shareholder base and changes thereto, including for purposes of being able to communicate and engage with shareholders in an effective manner and monitor shareholding and beneficial interests for purposes of compliance with applicable corporate and securities laws)
To use website analytics to understand who is using our website and what webpages are of interest	(a) Identity (b) Contact (c) Technical (d) Usage	Necessary for our legitimate interests (to understand interest in Kenmare and the information on its website, including that of investors, shareholder, industry participants, service providers and vendors)

To use data analytics to improve our website	(a) Technical (b) Usage	Necessary for our legitimate interests (to keep our website updated and relevant)
To administer and protect our website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical (d) Usage	Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security)

## **CORPORATE COMMUNICATIONS – ALERT SERVICE**

We strive to provide you with choices regarding certain personal data uses, particularly around our Alert Service. We have established the following personal data control mechanisms:

### **THIRD-PARTY MARKETING**

We will get your express opt-in consent before we share your personal data with any company outside the Kenmare group of companies for marketing purposes.

### **OPTING OUT**

You can ask us to stop sending you alerts at any time by logging into the website to adjust your communications preferences or by contacting us using the contact details above at any time.

Where you opt out of receiving these messages, this will not apply to personal data provided to us as a result of other interactions or communications.

### **COOKIES**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our website may become inaccessible or not function properly.

### **CHANGE OF PURPOSE**

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. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us using the contact details above.

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 your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **5. DISCLOSURES OF YOUR PERSONAL DATA**

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties as set out in the Glossary.
- External Third Parties as set out in the Glossary.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **6. INTERNATIONAL TRANSFERS**

We may, on occasion share your personal data with Internal Third Parties within the Kenmare Group. This will involve transferring your data outside the European Economic Area (EEA).

Some of our External Third Parties are based outside the European Economic Area (EEA), or are in the UK, which may be leaving the EEA, so their processing of your personal data will or may involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- 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](#).
- Where we use certain service providers, we may 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](#).
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see [European Commission: EU-US Privacy Shield](#).

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 7. DATA SECURITY

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. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 8. DATA RETENTION

### HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting us using the contact details above.

In some circumstances you can ask us to delete your data: see **9. Your Legal Rights** below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

You have the right to:

- **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request** correction of the personal data that we hold about you. 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. This enables you to ask us to delete or remove personal data 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 data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. 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.
- **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 as you feel it impacts on your fundamental rights and freedoms. You would also have the right to object if we were processing your personal data for direct marketing purposes (which we currently do not). In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** 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. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us using the contact details above.

## **NO FEE USUALLY REQUIRED**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

## **WHAT WE MAY NEED FROM YOU**

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

may also contact you to ask you for further information in relation to your request to speed up our response.

## **TIME LIMIT TO RESPOND**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **10. GLOSSARY**

### **LAWFUL BASIS**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us using the contact details above.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to, including a legal obligation to you as a shareholder.

### **THIRD PARTIES**

#### **INTERNAL THIRD PARTIES**

The operating subsidiaries of Kenmare with operations in Mozambique for purposes of their providing assistance to Kenmare pursuing its legitimate interests.

#### **EXTERNAL THIRD PARTIES**

- Service providers such as Computershare Investor Services (Ireland) Limited, which is based in Ireland, which is Kenmare's share registrar and Investis Limited, which is based in the UK, which administers Kenmare's website and Alert Service.
- Professional advisers including lawyers, brokers, investment bankers, consultants and auditors, that are mainly based in Ireland and the UK, who provide legal, brokering, investment banking consulting, auditing and other services.