

GDPR and DPL compliant long form data protection information notice for the investors of OrchardWay P2P Credit Fund Ltd. (the “Fund”)

Data protection

The Fund together with the Management Company may, themselves or through the use of service providers, collect, store on computer systems or otherwise and further process, by electronic or other means, personal data (i.e. any information relating to an identified or identifiable natural person) concerning shareholders and their representative(s) (including, without limitation, legal representatives and authorised signatories), employees, directors, officers, trustees, settlors, their shareholders and/or unitholders, nominees and/or ultimate beneficial owner(s), as applicable (“**Data Subjects**”) (the “**Personal Data**”). Failure to provide certain requested Personal Data may result in the impossibility to invest or maintain shares of the Fund.

To achieve the Purposes (as defined below) and comply with the regulatory obligations, Personal Data provided or collected in connection with an investment in the Fund will be disclosed by the Fund and the Management Company as joint data controllers (the “**Controllers**”) to, and processed by, the Management Company, the Administrative Agent and Registrar Agent, the Domiciliary and Corporate Agent, the Auditor, the Investment Managers, the Global Distributor, Administrative Coordinator and Adviser and its appointed sub-distributors, legal and financial advisers and other potential service providers of the Fund and of the Management Company (including their respective information technology providers, cloud service providers and external processing centres) and any of the foregoing respective agents, delegates, affiliates, subcontractors and/or their successors and assigns, acting as processors on behalf of the Fund and of the Management Company (the “**Processors**”). In certain circumstances, the Processors may also process Personal Data of Data Subjects as controllers, in particular for compliance with their legal obligations in accordance with laws and regulations applicable to them (such as anti-money laundering identification) and/or order of any competent jurisdiction, court, governmental, supervisory or regulatory bodies, including tax authorities.

The Fund and the Management Company have appointed a data protection officer whose contact details are as follows: gdpr@orchardway.com.

The Controllers and Processors will process Personal Data in accordance with Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the **General Data Protection Regulation**”), as well as any law or regulation relating to the protection of personal data applicable to them, as any of such instruments may be modified or complemented from time to time, to include the **Data Protection Law, 2017 (“DLP”)** (together the **“Data Protection Legislation”**).

Further (updated) information relating to the processing of Personal Data of Data Subjects may be provided or made available, on an ongoing basis, through additional documentation and/or, through any other communications channels, including electronic communication means, such as electronic mail, internet/intranet websites, portals or platform, as deemed appropriate to allow the Controllers and/or Processors to comply with their obligations of information according to Data Protection Legislation.

Personal Data may include, without limitation, the name, address, telephone number, business contact information, employment and job history, financial and credit history information, current and historic investments, investment preferences and invested amount, know your customer information of Data Subjects and any other Personal Data that is necessary to the Controllers and Processors for the purposes described below. Personal Data is collected directly from Data Subjects by the Controllers and Processors or may be collected by the Controllers and Processors through publicly available sources, social media, subscription services, worldcheck database, sanction lists, centralised investor database, public registers or other publicly accessible sources.

Personal Data will be processed by the Controllers and Processors for the purposes of (i) offering investments in the Shares of the Fund and performing the related services as contemplated under the Prospectus including but not limited to the opening of your account with the Fund, the management and administration of your Shares and any related account on an on-going basis and the operation of the Fund’s investment in sub-funds, including processing subscriptions and redemptions, conversion, transfer and additional subscription requests, the administration and payment of distribution fees (if any), payments to shareholders, updating and maintaining records and fee calculation, maintaining the register of shareholders, providing financial and other information to the shareholders, (ii) developing and processing the business relationship with the Processors and optimizing their internal business organisation and operations, including the management of risk, (iii) other related services rendered by any service provider of the Controllers and Processors in connection with the holding of Shares of the Fund (the **“Purposes”**).

Personal Data will also be processed by the Controllers and Processors to comply with legal or regulatory obligations applicable to them and to pursue their legitimate business interests or to carry out any other form of cooperation with, or reporting to, public authorities including but not limited to legal obligations under applicable fund and company law, anti-money laundering and counter terrorist financing (AML-CTF) legislation, prevention and detection of crime, tax law such as reporting to the tax authorities under Foreign Account Tax Compliance Act

(FATCA), the Common Reporting Standard (CRS) or any other tax identification legislation to prevent tax evasion and fraud as applicable, and to prevent fraud, bribery, corruption and the provision of financial and other services to persons subject to economic or trade sanctions on an on-going basis in accordance with the AML-CTF procedures of the Controllers and Processors, as well as to retain AML-CTF and other records of the Data Subjects for the purpose of screening by the Controllers and Processors (the **Compliance Obligations**”).

The shareholders acknowledge that the Fund and the Management Company acting as controllers may be obliged to collect and report any relevant information in relation to them and their investments in the Fund (including but not limited to name and address, date of birth and U.S. tax identification number (TIN), account number, balance on account, the “**Tax Data**”) to the Luxembourg tax authorities (*Administration des contributions directes*) which will exchange this information (including Personal Data, financial and tax information) on an automatic basis with the competent authorities in the United States or other permitted jurisdictions (including the U.S. Internal Revenue Service (**IRS**) or other US competent authority and foreign tax authorities located outside the European Economic Area) only for the purposes provided for in FATCA and CRS at OECD and European levels or equivalent Luxembourg legislation.

It is mandatory to answer questions and requests with respect to the Data Subjects’ identification and shares held in the Fund and, as applicable, FATCA and/or CRS. The Fund and the Management Company reserve the right to reject any application for shares if the prospective investor does not provide the requested information and/or documentation and/or has not itself complied with the applicable requirements. Shareholders acknowledge that failure to provide relevant Personal Data requested by the Controllers or the Processors in the course of their relationship with the Fund may result in incorrect or double reporting, prevent them from acquiring or maintaining their shares of the Fund and may be reported by the Fund and the Management Company to the relevant Luxembourg authorities.

Communications (including telephone conversations and e-mails) may be recorded by the Fund and the Management Company acting as joint controllers and/or by the Administrative Agent and Registrar Agent, the Domiciliary and Corporate Agent acting as processors on behalf of the Controllers where necessary for the performance of a task carried out in the public interest or where appropriate to pursue the Controllers’ legitimate interests, including (i) for record keeping as proof of a transaction or related communication in the event of a disagreement, (ii) for processing and verification of instructions, (iii) for investigation and fraud prevention purposes, (iv) to enforce or defend the Controllers’ and Processors’ interests or rights in compliance with any legal obligation to which they are subject and (v) for quality, business analysis, training and related purposes to improve the Controllers and Processors relationship with the shareholders in general. Such recordings will be processed in accordance with Data Protection Legislation and shall not be released to third parties, except in cases where the Controllers and/or Processors are compelled or entitled by laws or regulations applicable to them or court order to do so. Such recordings may be produced in court or other legal proceedings and permitted as evidence with the same value as a written document and will be

retained for a period of 10 years starting from the date of the recording. The absence of recordings may not in any way be used against the Controllers and Processors.

Controllers and Processors will collect, use, store, retain, transfer and/or otherwise process Personal Data: (i) as a result of the subscription or request for subscription of the shareholders to invest in the Fund where necessary to perform the Purposes or to take steps at the request of the shareholders prior to such subscription, including as a result of the holding of shares in general and/or; (ii) where necessary to comply with a legal or regulatory obligation of the Controllers or Processors and/or; (iii) where necessary for the performance of a task carried out in the public interest and/or; (iv) where necessary for the purposes of the legitimate interests pursued by Controllers or by Processors, which mainly consist in the performance of the Purposes, including where the application form/subscription agreement is not filled in directly by the shareholders as described in the Purposes mentioned above or, in complying with the Compliance Obligations and/or any order of any court, government, supervisory, regulatory or tax authority, including when providing investment services to any beneficial owner and any person holding shares directly or indirectly in the Fund and/or; (i) where applicable under certain specific circumstances, on the basis of the Shareholders' consent (which consent may be withdrawn at any time without affecting the lawfulness of processing based on such consent before its withdrawal).

Personal Data will only be disclosed to and/or transferred to and/or otherwise accessed by the Processors and/or any target entities, sub-funds and/or other funds and/or their related entities (including without limitation their respective general partner and/or management company and/or central administration/investment manager/service providers) in or through which the Fund intends to invest, as well as any court, governmental, supervisory or regulatory bodies, including tax authorities in Luxembourg or in various jurisdictions, in particular those jurisdictions where (i) the Fund is or is seeking to be registered for public or limited offering of its shares, (ii) the shareholders are resident, domiciled or citizens or (iii) the Fund is, or is seeking to, be registered, licensed or otherwise authorised to invest for carrying out the Purposes and to comply with the Compliance Obligations (the **Authorised Recipients**”). The Authorised Recipients may act as processor on behalf of Controllers or, in certain circumstances, as controller for pursuing their own purposes, in particular for performing their services or for compliance with their legal obligations in accordance with laws and regulations applicable to them and/or order of court, government, supervisory or regulatory body, including tax authority.

Controllers undertake not to transfer Personal Data to any third parties other than the Authorised Recipients, except as disclosed to shareholders from time to time or if required by applicable laws and regulations applicable to them or, by any order from a court, governmental, supervisory or regulatory body, including tax authorities.

By investing in shares of the Fund, the shareholders acknowledge that Personal Data of Data Subjects may be processed for the Purposes and Compliance Obligations described above and in particular, that the transfer and disclosure of such Personal Data may be made to the

Authorised Recipients, including the Processors, which are located in the European Union and are also located outside of the European Union, in countries (such as, the United States of America and Canada) which are not subject to an adequacy decision of the European Commission and which legislation does not ensure an adequate level of protection as regards the processing of personal data, including but not limited to. Controllers will only transfer Personal Data of Data Subjects for performing the Purposes or for complying with the Compliance Obligations.

Controllers will transfer Personal Data of the Data Subjects to the Authorised Recipients located outside of the European Union either (i) on the basis of an adequacy decision of the European Commission with respect to the protection of personal data and/or on the basis of the EU-U.S. Privacy Shield framework or, (ii) on the basis of appropriate safeguards according to Data Protection Legislation, such as standard data protection clauses, binding corporate rules, an approved code of conduct, or an approved certification mechanism or, (iii) in the event it is required by any judgment of a court or tribunal or any decision of an administrative authority, Personal Data of Data Subjects will be transferred on the basis of an international agreement entered into between the European Union or a concerned member state and other jurisdictions worldwide or, (iv) where applicable under certain specific circumstances, on the basis of the shareholders' explicit consent or, (v) where necessary for the performance of the Purposes or for the implementation of pre-contractual measures taken at the shareholders' request or, (vi) where necessary for the Processors to perform their services rendered in connection with the Purposes which are in the interest of the Data Subjects or, (vii) where necessary for important reasons of public interest or, (viii) where necessary for the establishment, exercise or defence of legal claims or, (ix) where the transfer is made from a register, which is legally intended to provide information to the public or, (x) where necessary for the purposes of compelling legitimate interests pursued by the Controllers, to the extent permitted by Data Protection Legislation.

In the event the processing of Personal Data of Data Subjects or transfers of Personal Data of Data Subjects outside of the European Union take place on the basis of the consent of the Shareholders, the Data Subjects are entitled to withdraw their consent at any time without prejudice to the lawfulness of the processing and/or data transfers carried out before the withdrawal of such consent. In case of withdrawal of consent, Controllers will accordingly cease such processing or data transfers. Any change to, or withdrawal of, Data Subjects' consent can be communicated in writing to the Management Company via e-mail at gdp@orchardway.com.

Insofar as Personal Data is not provided by the Data Subjects themselves (including where Personal Data provided by the shareholders include Personal Data concerning other Data Subjects), the shareholders represent that they have authority to provide such Personal Data of other Data Subjects. If the shareholders are not natural persons, they undertake and warrant to (i) adequately inform any such other Data Subject about the processing of their Personal Data and their related rights (as well as how to exercise them) as described under the Prospectus in accordance with the information requirements under the Data Protection Legislation and (ii)

where necessary and appropriate, obtain in advance any consent that may be required for the processing of the Personal Data of other Data Subjects as described under the Prospectus in accordance with the requirement of Data Protection Legislation. Any consent so obtained is documented in writing. Shareholders will indemnify and hold the Controllers and the Processors harmless for and against all financial consequences arising from any breach of the above warranties.

Data Subjects may request, in the manner and subject to the limitations prescribed in accordance with Data Protection Legislation, (i) access to and rectification or deletion of Personal Data concerning themselves, (ii) a restriction or objection of processing of Personal Data concerning themselves and, (iii) to receive Personal Data concerning themselves in a structured, commonly used and machine readable format or to transmit those Personal Data to another controller and, (iv) to obtain a copy of, or access to, the appropriate or suitable safeguards, such as standard contractual clauses, binding corporate rules, an approved code of conduct, or an approved certification mechanism, which have been implemented for transferring the Personal Data outside of the European Union. In particular, Data Subjects may at any time object, on request, to the processing of Personal Data concerning themselves for marketing purposes or for any other processing carried out on the basis of the legitimate interests of Controllers or Processors. Each Data Subject should address such requests to the registered office of the Management Company to the attention via e-mail at gdpr@orchardway.com. For any additional information related to the processing of their Personal Data, Data Subjects can contact the Data Protection Officer of the Management Company via email at gdpr@orchardway.com.

The Controllers and Processors processing Personal Data on behalf of the Controllers will accept no liability with respect to any unauthorised third party receiving knowledge and/or having access to Personal Data, except in the event of proved negligence or wilful misconduct of the Controllers or such Processors.

Personal Data of Data Subjects may be retained by the Controllers and Processors until shareholders cease to hold shares of the Fund and a subsequent period of 10 years thereafter where necessary to comply with laws and regulations applicable to them or to establish, exercise or defend actual or potential legal claims, subject to the applicable statutes of limitation, unless a longer period is required by laws and regulations applicable to them. In any case, Personal Data of Data Subjects will not be retained for longer than necessary with regard to the Purposes and Compliance Obligations contemplated in the Prospectus, subject always to applicable legal minimum retention periods.

Supplemental Notice for the Cayman Islands

This Supplemental Notice is being provided in accordance with the requirements of the DPL. Under the DPL, individuals have a right to: (i) be informed of how Personal Data is processed and this privacy notice fulfills this obligation in this respect; (ii) request access to their Personal Data; (iii) request rectification or correction of Personal Data; (iv) request that processing of Personal Data be stopped or restricted; and (v) require that the Controllers cease processing Personal Data for direct marketing purposes. The Controllers will give notice of any Personal Data breach that is reasonably likely to result in a risk to the interests or rights of Data Subjects to whom the relevant Personal Data relates. Under the DPL, if you consider that your Personal Data has not been handled correctly, or you are not satisfied with our responses to any requests you have made regarding the use of your Personal Data, you have the right to complain to the Cayman Islands' Ombudsman. The Ombudsman can be contacted by calling 1-345-946-6283 or by email at info@ombudsman.ky.