

## Agellus Capital, LLC Website Privacy Policy

Last updated March 5<sup>th</sup>, 2024

### 1. Introduction

Agellus recognizes the importance of, and is committed to, maintaining the privacy of personal information that it receives relating to individuals. “Agellus,” “we,” “us” or “our” means Agellus Capital, LLC and its officers, directors, employees, consultants, affiliates, subsidiaries and agents. This privacy policy (“Privacy Policy”) governs how Agellus collects, processes, and uses Personal Information (as defined below) relating to the users and visitors (collectively, “you”) of our website, located at [www.agellus.com](http://www.agellus.com) (the “Site”) and your rights with respect to your Personal Information.

Your use of the Site is subject to this Privacy Policy, which is incorporated into our [Terms of Use](#). By using the Site, you agree to this Privacy Policy, which may be updated by us at any time. You should review this Privacy Policy carefully. If you do not agree with it, you may not use the Site. By using the Site, you confirm that you understand and agree with the provisions of this Privacy Policy. Please note that if you do not provide certain Personal Information to Agellus when requested, we may not be able to provide you with access to all areas of the Site.

This Privacy Policy applies only to the Personal Information that we may collect through the Site and does not concern any third-party website, mobile application or devices to which the Site may link or connect. If you are an Agellus investor, our policies and practices regarding the collection and processing of your Personal Information are detailed in our Investor Privacy Policy.

European Union or United Kingdom residents, please read our GDPR Privacy Policy below.

### 2. Definitions

- A. “Personal Information” means any information that identifies, could be used to identify or is otherwise associated with an individual person and includes the definitions of “personal Information,” “personal data” and similar terms under applicable laws and regulations relating to data protection and privacy.

### 3. Our Collection and Sources of Personal Information

We may collect the categories of Personal Information listed below from or about you in connection with your access and/or use of the Site.

- A. *Communications Data.* We may collect Personal Information that you provide when you contact us for any reason, such as to express an interest in obtaining additional information about the Site, or direct questions or concerns about the Site to us.
- B. *Technical Information.* We may automatically receive and record technical information from your computer, web browser and/or mobile device, such as your IP address or other device address or ID, web browser and/or device type, hardware and software settings and configurations, the web pages or sites that you visit just before or just after visiting the Site, the pages you view on the Site, your actions on the Site and the dates and times that you visit, access or use the Site. This

includes information about how you use and navigate the Site, such as which links you click on, which pages or content you view and for how long and other similar information and statistics about your interactions with the Site (together, "Usage Data").

- C. *Information Collected by Cookies.* We may collect certain Usage Data via cookies to collect information about your use of the Site, which may include device-specific information, data about your navigation throughout the Site and other technical and browsing preferences such as your location and entry point to the Site. We may use both Session Cookies and Persistent Cookies. A Session Cookie disappears after you close your browser. A Persistent Cookie remains after you close your browser and may be used by your browser on subsequent visits to the Site. Persistent Cookies can be removed. Please review your web browser's "Help" file to learn the proper way to modify your cookie settings.

#### **4. Our Use of Personal Information**

- A. We may collect, store, disclose and otherwise process your Personal Information for the following purposes:
- i. To provide you with the Site and to allow you to use and access functionality provided by the Site;
  - ii. To operate, maintain, enhance and provide all of the features of the Site;
  - iii. To inform you about news and information relating to our business and Site (generally, you can opt-out of receiving promotional communications through links provided in the messages or by contacting us directly using the contact information provided below in Section 10);
  - iv. To understand your needs and interests and respond to inquiries and/or other requests or questions;
  - v. To understand and analyze the usage trends and preferences of our users, to analyze and report on the traffic, marketing and usage trends of the Site, to improve the Site, and to create new features and functionality;
  - vi. For ongoing review and improvement of the Site;
  - vii. To conduct analysis required to detect and deter malicious data;
  - viii. For in-depth threat analysis, to prevent any potential disruptions such as cyber-attacks and for statistical monitoring and analysis of current attacks on devices and systems for the on-going adaption of the solutions provided to secure systems and devices against current attacks;
  - ix. To detect, investigate and prevent fraud and other crimes or malpractice, and to improve fraud detection and information security;
  - x. For the purpose of, or in connection with, any legal proceedings (including prospective

legal proceedings), and to obtain legal advice or to establish, exercise or defend our legal rights;

- xi. To confirm and verify your identity and to conduct due diligence;
  - xii. For the management and administration of our business, and to comply with our contractual obligations; and
  - xiii. For all purposes otherwise set out in this Privacy Policy.
- B. If you are located in a jurisdiction which requires us to obtain your consent to collect, use, store, process and disclose your Personal Information, you understand that, by accessing the Site and thereby accepting the terms of this Privacy Policy, you expressly provide your consent to us collecting, using, storing, processing and disclosing your Personal Information as set out in this Privacy Policy.

## **5. Our Disclosure of Personal Information**

Agellus does not share Personal Information with unaffiliated third parties except when we have your permission, as required by law and/or under the following circumstances:

- A. We work with third-party service providers to provide website development, hosting, data storage, maintenance, and other services for us. To the extent it is necessary for these third-party service providers to complete their contractual obligations to us, these third parties may have access to or process information about you;
- B. We may partner with certain third parties to collect information regarding your use of the Site in order to improve our maintenance and support. These third parties may also engage in analysis, auditing, research, and reporting and may use web logs or web beacons, and they may set and access cookies on your computer or other device. Please note that certain aspects of the Site may not work correctly if you block cookies. Any third-party plugins and components are governed by the privacy policy of the company providing them (and not this Privacy Policy), so we advise you to read their privacy statements. If you prefer to prevent third parties from setting and accessing cookies on your computer, you may set your browser to block cookies;
- C. We may share information about you when we deem it necessary in order to protect Agellus, our employees, investors and others, such as to enforce our agreements, policies and terms of use;
- D. We may share information about you in response to subpoenas, court orders or legal process, or to establish or exercise our legal rights or defend against legal claims;
- E. We may share information about you in order to investigate, prevent or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person or as otherwise required by law;
- F. In the event of a corporate transaction, such as a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of any or all of our assets or liabilities, some of the Personal Information that we hold may be among the assets or liabilities transferred to a

buyer or other successor. We may also transfer Personal Information to another entity or its affiliates or service providers in connection with, or during negotiations of, any merger, acquisition, sale of assets or liabilities or any line of business, change in ownership control, financing transaction or in the unlikely event of a bankruptcy;

## 6. Your Rights

Depending on the jurisdiction in which you reside, you may have legal rights in relation to your Personal Information. These rights may include:

- A. Declining to share certain information with us (in which case we may not be able to provide to you some of the features and functionality of the Site);
- B. Requesting and obtaining information regarding how we may use your Personal Information;
- C. In some circumstances, requesting and receiving some Personal Information about you that you have provided to us;
- D. In some circumstances, requesting that we correct your Personal Information if it is inaccurate or incomplete;
- E. In some circumstances, requesting that we delete your Personal Information (but please note that there may be circumstances where we are legally entitled to retain Personal Information regardless of any such request);
- F. In some circumstances, requesting that we restrict or block our processing of your Personal Information (again, there may be circumstances where we are legally entitled to refuse that request); and
- G. Where applicable, the right to lodge a complaint with the data protection regulator in your jurisdiction if you think that any of your rights have been infringed by us.

You can inquire about your rights by contacting us using the details listed below in [Section 10](#).

## 7. How We Protect Your Information

- A. *Data Security.* We maintain physical, technical and administrative safeguards designed to protect the integrity and security of your information. We cannot, however, ensure or warrant the security of any information you transmit to us through the Site and you do so at your own risk. We also cannot guarantee that such information may not be accessed, disclosed, altered or destroyed by breach of any of our physical, technical or administrative safeguards. Although we may allow you to adjust your privacy settings to limit access to your information, no security measures are perfect or impenetrable. We cannot control the actions of other users or other third parties with whom you may choose to share your information. Therefore, we cannot and do not guarantee that information you provide through the Site will not be viewed by unauthorized persons. We are not responsible for circumvention by any third party of any privacy settings or security measures contained within the Site.

- B. *Data Retention.* We only store your Personal Information for as long as may be needed to provide the Site to you, with the exception of Personal Information that we may need to store for a longer period of time to comply with legal or regulatory obligations, resolve disputes, enforce our agreements or for records management purposes. We will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of the Site, or we are legally obligated to retain this data for longer periods. Even after removal, copies of information that you have posted may remain viewable in cached and archived pages or if other users have copied or stored such information.
- C. *Protecting Minors.* The Site is intended for use by individuals over the age of 18. We do not knowingly collect Personal Information from individuals under the age of 18. If you are under 18 years of age, then please do not use or access the Site at any time or in any manner.

## **8. International Visitors**

The Site is controlled and operated by Agellus in the United States. If you choose to access the Site from outside the United States, you acknowledge that you will be transferring your information, including Personal Information, outside of those regions to the United States for storage and processing, as necessary to provide the Site to you and you consent to such transfer.

## **9. Other Important Information**

- A. *Changes and Updates to this Privacy Policy.* We reserve the right to make changes to this Privacy Policy at any time. We will notify you about significant changes in the way we treat your Personal Information, such as by placing a prominent notice on the Site or by sending you an email so that you can choose whether to continue using the Site. Material modifications are effective 30 calendar days after our initial notification or upon your acceptance of the modified Privacy Policy. Immaterial modifications are effective upon posting of the updated Privacy Policy on the Site. Please revisit this page periodically to stay aware of any changes to this Privacy Policy. For the avoidance of doubt, disputes arising hereunder will be resolved in accordance with the Privacy Policy in effect at the time the dispute arose.
- B. *Governing Law.* This Privacy Policy is governed by Delaware state law. Any dispute regarding this Privacy Policy or your use of the Site shall be resolved solely in the state or federal courts located in Delaware.
- C. *Limitation of Liability.* By accessing the Site and/or providing us with Personal Information and other data, to the extent permitted by applicable law, you expressly and unconditionally release and hold us harmless from any and all liability for any injuries, loss or damage of any kind arising from or in connection with the use and/or misuse of such information. In addition, while we take efforts to ensure the proper and appropriate use of data by our service providers that may receive your information from us, we are not responsible for any injuries, loss or damage of any kind arising from or in connection with the use and/or misuse of your information caused by those service providers.
- D. *Third Party Websites.* The Site may provide links to, or features from, other third-party websites. If you link to or use such third-party sites or features, you do so at your own risk. We do not

control and are not responsible for the content or practices of any third-party website, application or other product or service.

## **10. Our Contact Information**

If you have any questions or comments about this Privacy Policy or our practices in relation to your Personal Information, you can email us at [contact@agellus.com](mailto:contact@agellus.com) or call us at (314) 408-5600.

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## **Agellus Capital, LLC GDPR Privacy Policy**

*Last updated March 5<sup>th</sup>, 2024*

### **Introduction**

Agellus recognizes the importance of, and is committed to, maintaining the privacy of personal information that it receives relating to individuals. This supplemental privacy policy ("GDPR Privacy Policy"), which is provided in addition to the policies above, governs how Agellus collects, Processes, and uses Personal Data with respect to residents of the EU and UK (collectively "you" or "your") covered by the EU General Data Protection Regulation, the UK Data Protection Act and other UK and/or EU data protection and privacy legislation (collectively, "Data Protection Legislation"). For the purposes of Data Protection Legislation, Agellus acts as a controller in respect of your Personal Data.

Capitalized terms used herein but not otherwise defined shall have the meaning assigned to it in the Privacy Policy or in the applicable Data Protection Legislation.

This Policy was last updated in March 2024. This Policy is updated annually.

If you have any questions or concerns about Agellus's handling of your Personal Data, or about this Policy, or wish to receive a copy of this Policy, please contact us at (314) 408-5600 or e-mail [contact@agellus.com](mailto:contact@agellus.com).

### **Personal Data We Collect**

Agellus needs to obtain certain Personal Data about you in order to provide the Site, and to comply with applicable law. Agellus will collect your Personal Data directly from you; from a third party acting on your behalf, for example an intermediary, lawyer or service provider; from publicly available sources; from other organizations; and when we generate it ourselves.

Such Personal Data may include:

- (a) data provided by you when you contact us for any reason or register to use the Site, such as details of your name, e-mail address, telephone number and other contact information;
- (b) information collected by cookies, such as device-specific information, data about your navigation throughout our Site and other technical and browsing preferences such as your location and entry point to the Site; and
- (c) Usage Data.

If you do not provide certain Personal Data to us when requested (and where relevant, provide your consent), we may not be able to provide you with the Site.

### **How We Use Your Personal Data**

Your Personal Data will be collected, stored, disclosed and Processed by Agellus for the following purposes:

- (a) to assess your application for our services and to provide you with the Site;
- (b) to understand your needs and interests and to respond to your enquiries;
- (c) to analyze and improve the Site and to manage our business;
- (d) to comply with and in order to assess compliance with applicable laws, rules and regulations (including tax reporting purposes pursuant to tax legislation), industry codes, voluntary codes we decide to adopt, or good practice, anywhere in the world and internal policies and procedures;
- (e) for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings);
- (f) to obtain legal advice or to establish, exercise or defend legal rights;
- (g) for the administration and maintenance of databases storing Personal Data;
- (h) to comply with our contractual obligations; and
- (i) for purposes otherwise set out in this Policy or as notified to you at the specific time of collection.

We are entitled to use your Personal Data for the purposes listed above because one or more of the following legal bases applies:

- (a) in order to perform our contractual obligations to you (for example, in order to manage your investments);
- (b) we have obtained your specific and informed consent;
- (c) discharge of a legal or regulatory obligation;
- (d) in order to establish, exercise or defend our legal rights or for the purpose of legal proceedings;  
or
- (e) the use of your Personal Data as described is necessary for our legitimate business interests or the legitimate interests of a third party provided such interest are not overridden by your rights or interest, including: (i) so that we can effectively and efficiently administer and manage the operation of our business and (ii) so that we can be compliant with internal policies and procedures.

To the extent permitted by applicable law, we may contact you by mail, e-mail, SMS/text, telephone and other electronic means to provide information on services that we believe will be of interest, unless you object to receiving such information. If you do not want to receive such communications from us, please contact us using the details set out in the Introduction or by using the opt-out facilities provided within the relevant marketing material.

Your option not to receive promotional and marketing material: (a) shall not preclude us from corresponding with you, by email or otherwise, regarding your relationship with us (e.g., your account status and activity or our responses to questions or inquiries you pose to us); (b) shall not preclude us, including our employees, contractors, agents and other representatives, from accessing and viewing your Personal Data for our internal business purposes; and (c) shall not preclude us from disclosing your Personal Data as described in this Policy for purposes other than sending you promotional and marketing materials.

### **Disclosure Of Your Personal Data**

Agellus may share or provide access to your Personal Data among its affiliates and business units and third party agents, service providers and contractors that perform services on our behalf, including but not limited to administrators, lenders, banks, auditors, law firms, governmental agencies or pursuant to legal process, self-regulatory organizations, consultants and placement agents outside of Agellus:



- (a) for the purpose of the management and administration of Agellus's business;
- (b) in order to facilitate the provision and enhancement of the Site;
- (c) for the purpose of the administration and maintenance of the databases storing Personal Data;
- (d) for the purpose of Agellus receiving services. Third parties are expected to be subject to confidentiality requirements (either by contract, professional obligation, duty or otherwise) that require them to only use your Personal Data as described in this Policy;
- (e) to the extent required by law, or to establish, exercise or defend its legal rights. (This may include disclosure to regulatory bodies or government agencies);
- (f) as part of a transaction, financing or for other business needs;
- (g) if Agellus or any of its affiliates, divisions or business units is acquired by a third party, including in the unlikely event of a bankruptcy, in which case the Personal Data held by Agellus about you will be accessible to, and may be acquired by, the third party buyer; and
- (h) if you have agreed to such disclosure in applicable agreements on the Site or other agreements we have with you.

### **International Transfers Of Personal Data**

The global nature of our business means that your Personal Data may be Processed and disclosed as described above, in any country in which we conduct business or have a service provider. Whenever we transfer or permit access to your Personal Data outside of the UK or European Economic Area ("EEA"), as applicable, we ensure a similar degree of protection is afforded to it (as is afforded to it in the UK/EEA) by ensuring at least one of the following safeguards is implemented:

- (a) we will only transfer your Personal Data to countries that have been deemed to provide an adequate level of protection for Personal Data;
- (b) we may use specific contractual clauses or agreements approved for use in the UK/EEA which afford Personal Data the same protection it has in the UK/EEA; and/or
- (c) we will obtain your consent.

Please contact us if you want further information on the specific mechanism used by us when transferring your Personal Data out of the UK or EEA.

### **How We Safeguard Personal Data**

Agellus has implemented and maintains commercially reasonable physical, electronic and procedural safeguards, measures and controls to protect Personal Data and to maintain the security of our information and information systems in respect of Personal Data. Agellus also has internal controls to keep Personal Data as accurate and complete as practicable. If you believe that any information we hold about you is not accurate, please contact us using the contact information set out in the Introduction.

### **Retention And Destruction Of Personal Data**

The period for which Agellus will hold your Personal Data will vary and will be determined by the following criteria:

- (a) **The purpose for which we are using it.** We are required to retain the Personal Data for as long as is necessary to satisfy or meet the purposes for which it was obtained including applicable legal or regulatory requirements; and
- (b) **Legal Obligations.** Laws or regulations may set a minimum period for which we must retain your Personal Data.

We will take reasonable steps in the circumstances to destroy your Personal Data when we no longer have a legal basis to retain it or to ensure that the information is anonymized.

### **Your Rights**

You may have legal rights in relation to the Personal Data we hold about you. These rights are:

- (a) the right to refuse to provide any Personal Data and the right to object at any time to the Processing of your Personal Data;
- (b) the right to confirm whether we Process your Personal Data and to obtain information regarding the Processing of your Personal Data and access to the Personal Data about you that we hold;
- (c) where consent was provided for certain Processing activities, the right to withdraw your consent to the collection, Processing, use and/or disclosure of your Personal Data at any time. This will not affect the lawfulness of any collection, Processing, use or disclosure undertaken before your withdrawal and that we may still be entitled to Process your Personal Data if it has another legitimate reason (other than consent) or a consent exception for doing so;
- (d) in some circumstances, the right to receive a copy of some Personal Data in a structured, commonly used and machine-readable format and/or request that we transmit that data to a third party where this is technically feasible. This right only applies to Personal Data that you have provided to us;
- (e) the right to request that we rectify or correct your Personal Data if it is inaccurate or incomplete;
- (f) in some circumstances, the right to request that we erase your Personal Data;
- (g) in some circumstances, the right to request that Agellus restrict, anonymize or block its Processing of your Personal Data;
- (h) where applicable, the right to lodge a complaint with the data protection regulator in your jurisdiction if you think that any of your rights have been infringed by Agellus.

### **Contacting Us**

You can enquire about your rights, which are applicable to you, by contacting us using the details set out in the Introduction. Please note that if you choose to exercise certain of these rights, such request may prevent us from providing the Site to you and that there may be circumstances where Agellus is legally entitled to retain Personal Data regardless of your request.