

Octagon’s European Economic Area Privacy Policy (“EEA Privacy Policy”)

Octagon’s Commitment to You

Octagon Credit Investors, LLC (“Octagon”) is committed to safeguarding the privacy and confidentiality of the Personal Data you have entrusted to us. It is important for you to understand what Personal Data Octagon will collect, how we will use it, and who may access it.

Scope

This EEA Privacy Policy applies to the operations of Octagon in the European Economic Area (“EEA”). Please see our [Privacy Notice](#) for Octagon’s operations outside the EEA.

If you are an existing customer (or trustee, officer, owner, or employee of a customer) of Octagon, further details about how Octagon uses your Personal Data will be set out in your Investment Management Agreement or Fund Subscription Documents with Octagon. Further notices highlighting certain uses Octagon wishes to make of your Personal Data together with the ability to opt in or out of selected uses may also be provided when Octagon collects Personal Data from you.

Octagon’s websites may contain links to other third party websites. If you follow a link to any of those third party websites, please note that they have their own privacy policies and that Octagon does not accept any responsibility or liability for their policies or processing of your Personal Data. Please check these policies before you submit any Personal Data to such third party websites.

This EEA Privacy Policy outlines Octagon’s commitment to you.

Further details are provided below. All underlined terms can be clicked to provide additional detail.

1. Accountability

Octagon has strict policies and procedures governing how it deals with your [Personal Data](#). Each and every one of Octagon’s employees is responsible for respecting and protecting the Personal Data to which the employee has access.

Octagon’s Compliance, Legal and Investor Relations departments in New York, USA oversee privacy governance including policy, dispute resolution, education, communications activities and reporting to Octagon’s Board of Managers on privacy matters. Please [Contact Us](#) for information on how to reach Octagon’s Compliance, Legal and Investor Relations departments.

2. Personal Data that Octagon collects

Octagon only collects the [Personal Data](#) that Octagon determines Octagon needs for the purposes set out [here](#).

For example, Octagon may collect:

- **Information you provide to Octagon:** Personal Data that you provide to Octagon, such as when using the contact form on Octagon's websites, including your name, email address, and other contact details; employer information, issues of interest (to the extent that this amounts to Personal Data) payment details and billing information;
- **Anti Crime and Fraud Information:** Information which establishes your identity, such as government ID, or information about you from third parties, related to fraud, offences, suspicious transactions, politically exposed person and sanctions lists where your details are included;
- **Financial Information:** to ensure that the advice and/or products Octagon provides you are appropriate for you and the investments you purchase are suitable for you;
- **Your transactions and holdings:** details of transactions with Octagon or holdings with Octagon that you have made or initiated;
- **Our correspondence:** if you contact Octagon, we will typically keep a record of that correspondence;
- **Device Information:** such as information about your operating system, browser, software applications, IP address, geolocation, security status and other device information in order to improve your experience, to protect against fraud and manage risk;
- **Website and communication usage:** details of your visits to Octagon's websites, client portals and information collected through cookies and other tracking technologies including, but not limited to, your IP address and domain name, your browser version and operating system, traffic data, location data, web logs and other communication data, and the resources that you access;
- **Marketing preference information:** details of your marketing preferences (e.g. communication preferences) and information relevant to selecting appropriate products and services to offer you;
- **Email tracking information:** Certain communications include links or metadata that allows Octagon to track opening of emails and clicks through to links within the email. Octagon may use this information for purposes including determining which of its emails or attachments are more

interesting to you and to query whether users who do not open its emails or attachments wish to continue receiving them.

- **Survey information:** Octagon may also ask you to complete surveys that Octagon uses for research purposes. In such circumstances Octagon shall collect the information provided in the completed survey.

3. Purposes for which we use your Personal Data

When Octagon collects your [Personal Data](#), Octagon may use or disclose it for the following purposes. Below each purpose Octagon notes the “legal ground” that allows that use of your Personal Data. An explanation of the scope of the “legal grounds” can be found at [here](#).

- **To provide and manage products and services you have requested** ► to administer Octagon’s services, including to carry out its obligations arising from any agreements entered into between you and Octagon, or to notify you about changes to Octagon’s services and products.

***Lawful bases:** contract performance; legitimate interests (to enable Octagon to perform its obligations and provide Octagon’s services to you or to notify you about changes to Octagon’s services)*

- **To verify your identity, protect against fraud and manage risk** ► Octagon and other organisations may access and use certain information to prevent fraud, money laundering and terrorism as may be required by applicable law and regulation and best practice at any given time, including checking against sanctions, politically exposed persons (PEP) and other fraud or crime screening databases. If false or inaccurate information is provided and fraud is identified or suspected, details may be passed to fraud prevention agencies and may be recorded by Octagon or by them. Further details of how your information will be used by us and these fraud prevention agencies, and your data protection rights, can be found by clicking [here](#).

***Lawful bases:** legal obligation; contract performance; legitimate interests (to ensure that you fall within Octagon’s acceptable risk profile and to assist with the prevention of crime and fraud).*

In the event that data relating to criminal offences and convictions is processed in the course of Octagon’s conduct of the checks listed above, Octagon will rely on substantial public interest (prevention of crime).

- **To comply with legal or regulatory requirements, or as otherwise permitted by law** ► Octagon may process your Personal Data to comply with its regulatory requirements or dialogue with its regulators or defend or prosecute claims as applicable which may include disclosing your Personal Data to third parties, the court service and/or regulators or law enforcement agencies in connection with enquiries, proceedings or investigations by such parties anywhere in the world. Where permitted, Octagon will direct any such request to you or notify you before responding unless to do so would prejudice the prevention or detection of a crime.

Lawful bases: legal obligations; legal claims; legitimate interests (to cooperate with law enforcement and regulatory authorities)

- **To monitor certain activities** ► to monitor queries and transactions to ensure service quality, compliance with procedures and to combat fraud;

Lawful bases: legal obligations, legal claims, legitimate interests (to ensure the quality and legality of Octagon's services)

- **To inform you of changes** ► to notify you about changes to Octagon's services and products;

Use justification: legitimate interests (to notify you about changes to Octagon's services)

- **To communicate with you regarding products and services that may be of interest** ► to provide you with updates and offers, where you have chosen to receive these. Octagon may also use your information for marketing Octagon's own products and services to you by post, email, phone or online or social media advertisement. Where required by law, Octagon will ask for your consent at the time Octagon collects your data to conduct any of these types of marketing. Octagon will provide an option to unsubscribe or opt-out of further communication on any electronic marketing communication sent to you or you may opt out by visiting [Contact Us](#).

Lawful bases: legitimate interests (to keep you updated with news in relation to Octagon's products and services); consent

- **To understand Octagon's customers and to develop and tailor Octagon's products and services** ► Octagon may analyze the Personal Data it holds in order to better understand Octagon's clients' services and marketing requirements, to better understand Octagon's business and develop Octagon's products and services. In order to ensure that content from Octagon's website is presented in the most effective manner for you and for your device, Octagon may pass your data to business partners, suppliers and/or service providers;

Lawful bases: *legitimate interests (to ensure the quality and legality of Octagon’s services, to allow Octagon to improve its services and to allow Octagon to provide you with the content and services on the website)*

- **To reorganize or make changes to Octagon’s business** ► in the event that Octagon (i) is subject to negotiations for the sale of Octagon’s business or part thereof to a third party, (ii) are sold to a third party or (iii) undergo a reorganization, Octagon may need to transfer some or all of your Personal Data to the relevant third party (or its advisors) as part of any due diligence process for the purpose of analyzing any proposed sale or reorganization. Octagon may also need to transfer your Personal Data to that reorganised entity or third party after the sale or reorganisation for them to use for the same purposes as set out in this policy;

Lawful bases: *legitimate interests (in order to allow Octagon to change its business)*

- **To communicate effectively with you and conduct Octagon’s business** ► to conduct Octagon’s business, including to respond to your queries, to otherwise communicate with you, or to carry out its obligations arising from any agreements entered into between you and Octagon.

Lawful bases: *contract performance; legitimate interests (to enable Octagon to perform its obligations and provide its services to you)*

4. Consent and Your Choices

Most of Octagon’s processing is permitted by “lawful bases” other than consent (see section 3 above). In relation to [Direct Marketing](#), where Octagon is required to do so, Octagon will obtain your consent before using your Personal Data for this purpose. If you prefer not to receive Octagon’s [Direct Marketing](#) communications and/or not have your [Personal Data](#) shared by Octagon with its affiliates for the purpose of marketing to the institution you represent, you can have your name deleted from Octagon’s [Direct Marketing](#) and/or shared information lists. If you want to change your privacy preferences, see [Contact Us](#).

In relation to processing of criminal convictions data and politically exposed personal data for the purposes of complying with Octagon’s anti-money laundering obligations and to combat fraud, Octagon considers that its processing is permitted by the substantial public interest ground (to prevent or detect crime) but to the extent it is not, you give and Octagon relies on your consent to process that type of Personal Data. Although you have a right to withdraw such consent at any time, as Octagon considers the processing to be necessary for it to provide its services, your withdrawal (to the extent the

processing cannot be justified on substantial public interest grounds) may require Octagon to cease to provide certain services.

5. Sharing your Personal Data (and transfers outside of the EEA)

Octagon will only use or disclose your [Personal Data](#) for the purpose(s) it was collected and as otherwise identified in this EEA Privacy Policy.

Sharing outside Octagon: Personal Data may be provided to third parties, including anti-fraud organizations, legal, regulatory or law enforcement authorities in cases of suspected criminal activity or contravention of law, for the detection and prevention of fraud, or when required to satisfy the legal or regulatory requirements of governments, regulatory authorities or other self-regulatory organizations, or to comply with a court order or for the protection of Octagon's assets (for example, collection of overdue accounts).

Sharing with Octagon affiliates: Octagon may share your Personal Data with affiliates located within or outside of the European Economic Area to market to the institution you represent, for legal and regulatory purposes, to manage credit risk and other business risks, to perform analytics, to ensure Octagon has correct or up to date information about you (such as your current address or date of birth) and to better manage your relationship with Octagon.

Business sale or reorganization: Over time, Octagon may buy new businesses or sell some of its businesses. Accordingly, Personal Data associated with any accounts, products or services of the business being purchased or sold will be reviewed as part of the due diligence process and subsequently transferred as a business asset to the new business owner. Octagon may also transfer Personal Data as part of a corporate reorganization or other change in corporate control.

Sub-contractors and agents: Octagon may use affiliates or other companies to provide services on its behalf such as data processing, account administration, fraud prevention and detection, analytics and marketing. Such companies will be given only the Personal Data needed to perform those services and Octagon does not authorize them to use or disclose Personal Data for their own marketing or other purposes. Octagon has contracts in place holding these companies to the same standards of confidentiality by which Octagon is governed.

Transfers outside of the EEA: As Octagon is located outside of the EEA, your Personal Data can be accessed by staff, suppliers or other persons in, transferred to, and/or stored at, a destination outside the EEA in which data protection laws may be of a lower standard than in the EEA. Octagon will, in all circumstances, safeguard Personal Data as set out in this EEA Privacy Policy.

Where Octagon transfers Personal Data further, outside the EEA, Octagon may be required to take specific additional measures to safeguard the relevant Personal Data. Certain countries outside the EEA have been approved by the European Commission as providing essentially equivalent protections to EEA data protection laws and therefore no additional safeguards are required to export Personal Data to these jurisdictions. In countries which have not had these approvals (see the full list here http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm), Octagon will establish legal grounds justifying such transfer, such as EU Commission-approved model contractual clauses, or other legal grounds permitted by applicable legal requirements.

Please [Contact Us](#) if you would like to see a copy of the specific safeguards applied to the export of your Personal Data.

6. Retention of your Personal Data

Octagon's retention periods for personal data are based on business needs and legal requirements. Octagon retains your Personal Data for as long as is necessary for the processing purpose(s) for which the information was collected, and any other permissible, related purpose. For example, Octagon may retain certain transaction details and correspondence until the time limit for claims arising from the transaction has expired, or to comply with regulatory requirements regarding the retention of such data. When Personal Data is no longer needed, Octagon either will irreversibly anonymise the data (and Octagon may further retain and use the anonymised information) or securely destroy the data.

7. Maintaining the accuracy of your Personal Data

Octagon is committed to maintaining the accuracy of your [Personal Data](#) and ensuring that it is complete and up-to-date. If you discover inaccuracies in Octagon's records, or your Personal Data changes, please notify Octagon immediately so that Octagon can make the necessary changes. Failure to notify Octagon of changes to your Personal Data may negatively impact the way Octagon communicates or provides services to you. Where appropriate, Octagon will advise others of any material amendments to your Personal Data that Octagon may have released to them. If Octagon does not agree to make the amendments that you request, you may challenge Octagon's decision as described in [Contact Us](#).

8. Safeguarding your Personal Data

Octagon uses physical, electronic and procedural safeguards to protect against unauthorized use, access, modification, destruction, disclosure, loss or theft of your [Personal Data](#) in Octagon's custody or control.

Octagon has agreements and controls in place with third party service providers requiring that any information Octagon provides to them must be safeguarded and used only for the purpose of providing the service Octagon has requested the company to perform.

Security over the internet

No data transmission over the Internet or website can be guaranteed to be secure from intrusion. However, Octagon maintains commercially reasonable physical, electronic and procedural safeguards to protect your Personal Data in accordance with data protection legislative requirements.

All information you provide to Octagon is stored on its or Octagon's subcontractors' secure servers and accessed and used subject to Octagon's security policies and standards. Where Octagon has given you (or where you have chosen) a password which enables you to access certain parts of Octagon's websites, you are responsible for keeping this password confidential and for complying with any other security procedures of which you have been notified by Octagon. Octagon asks you not to share a password with anyone.

9. Changes to this EEA Privacy Policy

From time to time, Octagon may make changes to this EEA Privacy Policy.

This EEA Privacy Policy at <https://www.octagoncredit.com> is always the most recent version.

Please [Contact Us](#) to answer any questions you may have about Octagon's EEA Privacy Policy.

10. Your Rights

If you have any questions in relation to Octagon's use of your Personal Data, you should first contact Octagon's Investor Relations as per the [Contact Us](#) section below. Under certain conditions (in particular where Octagon has directed the use of your Personal Data from an affiliate or third party), you may have the right to require Octagon to:

- provide you with further details on the use Octagon makes of your information;

- provide you with a copy of information that you have provided to Octagon;
- update any inaccuracies in the Personal Data Octagon holds (please see paragraph 7);
- delete any Personal Data that Octagon no longer has a lawful ground to use;
- where processing is based on consent, to withdraw your consent so that Octagon stops that particular processing (see paragraph 4 for marketing);
- object to any processing based on the legitimate interests ground unless Octagon's reasons for undertaking that processing outweigh any prejudice to your data protection rights; and
- restrict how Octagon uses your information while a complaint is being investigated.

Your exercise of these rights is subject to certain exemptions to safeguard the public interest (e.g. the prevention or detection of crime) and Octagon's interests (e.g. the maintenance of legal privilege). If you exercise any of these rights, Octagon will check your entitlement and respond in most cases within a month.

If you are not satisfied with Octagon's use of your Personal Data or Octagon's response to any exercise of these rights you have the right to complain to a data protection regulator in the EEA.

Contact Us

If you have any questions or concerns about Octagon's privacy practices, the privacy of your Personal Data or you want to change your privacy preferences, please let Octagon know.

To manage your email preferences, please contact Octagon's Investor Relations department using the details below:

Octagon Credit Investors, LLC

Investor Relations

Erin Crawford, Head of Investor Relations

250 Park Avenue, 15th Floor, New York, NY 10177

+1-212-400-8400

investorrelations@octagoncredit.com

Compliance

Margaret Julian, Chief Compliance Officer

mjulian@octagoncredit.com

Legal

Geoffrey Dorment, General Counsel

gdorment@octagoncredit.com

If after contacting Octagon you do not feel that Octagon has adequately addressed your concerns, you may contact the data protection regulator.

ANNEX A: Definitions

Direct Marketing is Octagon's communication with you such as mail, telemarketing or email, using your contact information, to inform you about products and services that Octagon thinks may be of interest and value to you. This does not include communications regarding products or services that you currently have, including improved ways to use the products, or additional features of the products as well as transactional information.

Personal Data is information about an identifiable individual. It includes information that you have provided to Octagon or was collected by Octagon from other sources. It may include details such as your name and address, age and gender, personal financial records, identification numbers including your Social Insurance Number and personal references, to the extent permitted by local laws.

ANNEX B: Table of Legal Bases

Use of Personal Data under EU data protection laws must be justified under one of a number of legal “grounds” and Octagon is required to set out the grounds in respect of each use in this policy. An explanation of the scope of the grounds available is set out below. Octagon notes the grounds Octagon uses to justify each use of your information next to the use in the “Uses of your Personal Data” section of this policy.

These are the principal legal grounds that justify Octagon’s use of your information:

Consent: <i>where you have consented to Octagon’s use of your information. More information is set out at Section 4. You may withdraw your consent by Contacting Us or clicking through unsubscribe wording in the relevant correspondence.</i>
Contract performance: <i>where your information is necessary to enter into or perform Octagon’s contract with you.</i>
Legal obligation: <i>where Octagon needs to use your information to comply with its legal obligations.</i>
Legitimate interests: <i>where Octagon uses your information to achieve a legitimate interest and Octagon’s reasons for using it outweigh any prejudice to your data protection rights.</i>
Legal claims: <i>where your information is necessary for Octagon to defend, prosecute or make a claim against you, Octagon or a third party.</i>
Substantial Public interest: <i>where Octagon uses Personal Data relating to criminal convictions or political affiliations for a purpose that is expressly in the substantial public interest, including for the prevention or detection of crime or fraud</i>

Annex C: Processing for fraud prevention and detection purposes

- 1.1 Before Octagon provides its services to you, Octagon undertakes checks for the purposes of preventing fraud and money laundering, and to verify your identity. These checks require Octagon to process personal data about you.
- 1.2 The personal data you have provided, Octagon has collected from you, or Octagon has received from third parties will be used to prevent fraud and money laundering, and to verify your identity.
- 1.3 Octagon, fraud prevention and debt collection agencies may also enable law enforcement agencies to access and use your personal data to detect, investigate and prevent crime.
- 1.4 Octagon processes your personal data on the basis that Octagon has a legitimate interest in preventing fraud and money laundering, and to verify identity, in order to protect its business and to comply with laws that applies to Octagon. Such processing is also a contractual requirement of the services or financing you have requested.
- 1.5 Fraud prevention agencies can hold your personal data for different periods of time, and if you are considered to pose a fraud or money laundering risk, your data can be held for up to six years.

Automated decisions

- 1.6 As part of the processing of your personal data, decisions may be made by automated means. This means Octagon may automatically decide that you pose a fraud or money laundering risk if its processing reveals your behaviour to be consistent with money laundering or known fraudulent conduct, or is inconsistent with your previous submissions, or you appear to have deliberately hidden your true identity. You have rights in relation to automated decision making: if you want to know more please contact Octagon's Data Protection Liaison or Data Protection Contacts in the United Kingdom or Germany.

Consequences of processing

- 1.7 As a consequence of processing, if Octagon, or a fraud prevention agency, determine that you pose a fraud or money laundering risk, Octagon may refuse to provide the services you have requested, or to employ you, or Octagon may stop providing existing services to you.

A record of any fraud or money laundering risk will be retained by the fraud prevention agencies, and may result in others refusing to provide services, financing or employment to you. If you have any questions about this, please contact Octagon's Data Protection Liaison or Data Protection Contacts in the United Kingdom or Germany.
- 1.8 Whenever fraud prevention agencies transfer your personal data outside of the EEA, they impose contractual obligations on the recipients of that data to protect your personal data to the standard required in the EEA. They may also require the recipient to subscribe to 'international frameworks' intended to enable secure data sharing.