At OFS Capital Corporation, including its affiliates (**“OFS”, “our”, “us” or “we”**), we are committed to maintaining the confidentiality and privacy of your personal and financial information. The purpose of this Privacy Policy is to explain the types of personal information that OFS collects, how the personal information is obtained, how it is used and the choices that you have regarding our use of, and your ability to review and correct, the personal information we collect about you, among other things.

This Privacy Policy applies to all of our business activities, including users accessing our website or parties engaging in communications or transactions with OFS. Please read this Privacy Policy, as it provides important information regarding your use of our website and our data and privacy practices and explains your rights. If you do not agree with this Privacy Policy, please do not access or use the website.

**1.   What Personal Information We Collect**

The personal information we collect may include your name, postal address, email address, phone number, account name, date of birth, Social Security number, driver’s license number, photograph, passport number, employer, job title, bank account information, financial information such as your income and net worth, risk tolerance and transaction history, details about your investment activity or retirement portfolios and information about your transactions with us such as the investment amount and any contributions and/or distributions, as well as any other information you choose to provide to us.

Whether you choose to provide any particular information requested by OFS is completely your own choice. But, if you choose not to provide the information we request, you may be unable to receive or access certain services, offers and information.

**2.   Cookies**

Our website functions are based, in part, on your browser's ability to accept cookie files. Cookies are pieces of information that a website transfers to your hard drive that allow you to more easily navigate a website and customize website features that are updated each time you visit a website. Our web servers may automatically recognize a visitor’s domain name (such as .com, .edu, etc.), the web page from which a visitor enters our website, which pages a visitor visits on our website and on certain other websites, and/or how much time a visitor spends on each page. We, or third parties, may also use cookies to track you or your online activities over time or across websites.  We aggregate this information and use it to evaluate and improve our website, or to support our advertising practices.

You may set your preferences to refuse cookies; however, this may limit your access to some areas of our website. If you have enabled your Internet browser to refuse cookies, we will not collect personal information about you. However, we do not respond to browser do-not-track signals.

**3.   Collecting the Personal Information of Minors**

Our products and services are not directed to minors under the age of 16, and we do not knowingly collect or sell the personal information of minors.

**4.   Your Choices Regarding Direct Marketing**

On occasion, we may send you email communications about OFS and our products. If you change your mind about receiving marketing communications from us and wish not to receive further marketing communications from us, please let us know that you would like to “opt out” by emailing us at privacy@ofsmanagement.com or contacting us at 1-833-687-3622.

**5.   Online Advertising**

We endeavor, in good faith, to adhere to self-regulatory advertising principles, such as the Digital Advertising Alliance’s Principles. If you are interested in learning more about and/or opting out of online behavioral advertising, sometimes called interest-based advertising, we encourage you to visit one of the advertising industry-developed opt-out pages, such as www.youradchoices.com or aboutads.info. Please note that while we provide these links for your convenience, we do not have access to, or control over, these third parties’ use of cookies or other tracking technologies.

**6.   Protecting Your Personal Information**

We implement and maintain reasonable security appropriate to the nature of the personal information that we collect, use, retain, transfer or otherwise process. Our policy is to restrict access to your personal information to only those employees, service providers and other third parties who need to know that information to provide products or services to you. We maintain commercially reasonable physical, electronic and procedural safeguards consistent with industry standards and other applicable standards, as required by law, and we require service providers and third parties to do the same.

While we are committed to developing, implementing, maintaining, monitoring and updating a reasonable information security program, unfortunately, no data transmission over the Internet or any wireless network can be guaranteed to be 100% secure. Data security incidents and breaches can occur due to vulnerabilities, criminal exploits or other factors that cannot reasonably be prevented. Accordingly, while our reasonable security program is designed to manage data security risks and thus help prevent data security incidents and breaches, it cannot be assumed that the occurrence of any given incident or breach results from our failure to implement and maintain reasonable security. As a result, while we strive to protect your personal information, you acknowledge that: (a) there are security and privacy limitations of the Internet which are beyond our control; (b) the security, integrity, and privacy of any and all information and data exchanged between you and us through the website cannot be guaranteed; and (c) any such information and data may be viewed or tampered with in transit by a third party.

**7.    Retention**

We keep your personal information for as long as it is required by us for our legitimate business purposes, to perform our contractual obligations, or where longer, such longer period as is required by law or regulatory obligations which apply to us. While we generally retain information about you throughout the life cycle of any investment you are involved in and for no longer than we need it, some personal information may be retained after your relationship with us ends.

**8.   Links to Third-Party Websites**

Our websites may contain links to websites operated and maintained by third parties, over which we have no control. Privacy policies on such linked websites may be different from our Privacy Policy. You access such linked websites at your own risk. You should always read the Privacy Policy of a linked website before disclosing any personal information on such website.

**9.   Policy Changes**

To improve the services we can offer you, OFS may opt to expand our capabilities for obtaining information, including personal information, about users in the future. OFS will update this Privacy Policy when necessary to ensure that you are aware of developments in this area.

We will post those changes on our websites and update our Privacy Policy so that you will know what information we collect online, how we use it and what choices you have. Please be sure to check this page before proceeding to use our websites. Regardless of any changes we make to our Privacy Policy, we will always use your personal information in accordance with the version of the Privacy Policy in place at the time you provided your information, unless you give your express consent for us to do otherwise.

**10.  Additional Privacy Terms**

In conducting business with OFS or using our websites, you may be required to agree to additional written or electronic agreements, including additional privacy terms and conditions (“**Additional Privacy Terms**”), as a condition to visiting the websites or receiving products, services and other information. In the event of any conflict between the Additional Privacy Terms and this Privacy Policy, the Additional Privacy Terms shall prevail, but we will treat personal information that you provide to us before we adopt such Additional Privacy Terms in accordance with the terms of this Privacy Policy, unless and until you agree with the application of the Additional Privacy Terms to your personal information collected by us prior to the updates or amendments.

**11.  Your Feedback**

To help us improve our Privacy Policy and practices, please give us your feedback by emailing us at privacy@ofsmanagement.com or contacting us at 1-833-687-3622.

**12.  California Privacy Rights and Disclosures**

These obligations and rights apply to businesses doing business in California and to California residents and information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with California consumers or households. It does not include deidentified or aggregate information, or public information lawfully available from governmental records.

The following chart describes the categories of personal information we may have collected about you in the past 12 months and, for each category, where and why we collected it, and the categories of entities with which we share or sold the personal information, if any:

|  |  |  |  |
| --- | --- | --- | --- |
| **Category of Personal Information (PI)** | **Sources from which PI was collected** | **Purpose of collection** | **Categories of entities with whom PI was shared** |
| Address and other identifiers – such as name, postal address, email address, phone number, account name, date of birth, Social Security number, driver’s license number, photograph, passport number, or other similar identifiers | * Directly from you;
* Automatically when you use our Site or services;
* From third parties; including business partners, your employer and background/credit check providers; and
* Publicly available sources
 | * To provide you services;
* To contact you to discuss the services or products you receive from us;
* To respond to any questions or concerns you have raised;
* To perform services on our behalf, such as customer service, or processing payments;
* To otherwise carry out our obligations arising under our contract with you and to enforce the same;
* To carry out anti-money laundering and other compliance checks and controls;
* To verify your identity or for other fraud and/or crime prevention;
* To debug errors in our systems;
* For marketing and advertising purposes; and
* For internal research, analytics and development.
 | * Professional advisers, including accountancy and legal firms, in order to provide us with advice and services;
* Service providers, including to provide and support our data management, analytics, security, background and credit checks and storage systems;
* Group companies, for business and operational purposes;
* Transaction (merger and acquisition) partners, including to facilitate the diligence, negotiation, and completion phases of transactions contemplated by us, our parent company, or affiliated operating companies; and
* Government authorities or other entities with legal authority to request the information.

  |
| Unique and online identifiers – such as IP address, device IDs, or other similar identifiers  | * Automatically when you use our Site or services;
 | * To debug errors in our systems;
* For marketing and advertising purposes; and
* For internal research, analytics and development

  | * Group companies, for business and operational purposes;

   |
| Financial information such as bank account details, credit history, income details | * Directly from you;
* From your employer;
* Automatically when you use our Site or services;
* From third parties acting on your behalf; including business partners, accountancy and law firms, and
* Background/credit check providers
 | * To provide you services;
* To perform services on our behalf, such as processing payments;
* To otherwise carry out our obligations arising under our contract with you and to enforce the same;
* To carry out anti-money laundering and other compliance checks and controls;
* To verify your identity or for other fraud and/or crime prevention
 | * Professional advisers, including accountancy and legal firms, in order to provide us with advice;
* Service providers, including to provide and support our data management, analytics, security, and storage systems;
* Group companies, for business and operational purposes;
* Transaction partners, including to facilitate the diligence, negotiation, and completion phases of transactions contemplated by us, our parent company, or affiliated operating companies; and
* Government authorities or other entities with legal authority to request the information.
 |
| Education or other professional information | * Directly from you;
* From your employer; and
* Through publicly available sources

  | * For internal research, analytics and development.

  | * Group companies, for business and operational purposes; and
* Government authorities or other entities with legal authority to request the information.

  |
| Geolocation Information  | * Directly from you; and
* Automatically when you use our corporate issued devices

  | * To provide you services;
* To contact you to discuss the services or products you receive from us; and
* To respond to any questions or concerns you have raised;

  | * Group companies, for business and operational purposes
 |
| Inferences drawn from CCPA PI – such as individual profiles, preferences, characteristics, behaviors | * Directly from you;
* Automatically when you use our Site or services; and
* From third parties; including business partners or firms acting on your behalf
 | * To provide you services;
* To contact you to discuss the services or products you receive from us;
* To respond to any questions or concerns you have raised;
* To deal with administrative matters;
* To perform services on your behalf, such as booking travel arrangements;
* To otherwise carry out our obligations arising under our contract with you and to enforce the same;
* For marketing and advertising purposes; and
* For internal research, analytics and development.
 | * Transaction partners, including travel agents; and
* Group companies, for business and operational purposes
 |

In the past 12 months, we have not sold your PI to any third party, and we do not and will not sell PI to third parties within the meaning of the California Consumer Privacy Act.

**a. Your Right to Request Disclosure of Information We Collect and Share about You**

If you are a California resident, the CCPA grants you the right to request certain information about our practices with respect to personal information. In particular, you can request the following:

1. The categories of your personal information that we’ve collected.
2. The specific pieces of your personal information that we’ve collected.
3. The categories of sources from which we collected personal information.
4. The business or commercial purposes for which we collected or sold personal information.
5. The categories of third parties with which we shared personal information.

You can submit a request to us for the following additional information:

1. The categories of third parties to whom we’ve sold personal information, and the category or categories of personal information sold to each.
2. The categories of personal information that we’ve shared with service providers who provide services for us, like processing your bill.

To exercise your CCPA rights with request to this information, either email us at privacy@ofsmanagement.com or contact us at 1-833-687-3622.  These requests for disclosure are generally free.

**b. Your Right to Request the Deletion of Personal Information**

Upon your request, we will delete the personal information we have collected about you, except for situations when that information is necessary for us to: provide you with a product or service that you requested; perform a contract we entered into with you; maintain the functionality or security of our systems; comply with or exercise rights provided by the law; or use the information internally in ways that are compatible with the context in which you provided the information to us, or that are reasonably aligned with your expectations based on your relationship with us.

To exercise your right to request the deletion of your personal information, either email us at privacy@ofsmanagement.com or contact us at 1-833-687-3622.  These requests for disclosure are generally free.

**c. Your Right to Ask Us Not to Sell Your Personal Information**

We do not, and will not, sell your personal information.

**d. Our Support for the Exercise of Your Data Rights**

We are committed to providing you control over your personal information.  If you exercise any of these rights explained in this section of the Privacy Policy, we will not disadvantage you.  You will not be denied or charged different prices or rates for goods or services or provided a different level or quality of goods or services.

**e. How We Will Handle a Request to Exercise Your Rights**

For requests for access or deletion, we will first acknowledge receipt of your request.  We will provide a substantive response to your request as soon as we can, generally within 45 days from when we receive your request, although we may be allowed to take longer to process your request under certain circumstances.  If we expect your request is going to take us longer than normal to fulfil, we’ll let you know.

When you make a request to access or delete your personal information, we will take steps to verify your identity. These steps may include asking you for personal information, such as your name, address, or other information we maintain about you. If we are unable to verify your identity with the degree of certainty required, we will not be able to respond to the request. We will notify you to explain the basis of the denial.
You may also designate an authorized agent to submit requests on your behalf. If you do so, you will be required to verify your identity by providing us with certain personal information as described above. Additionally, we will also require that you provide the agent with written permission to act on your behalf, and we will deny the request if the agent is unable to submit proof to us that you have authorized them to act on your behalf.

**f. Additional Facts About How We Share Your Personal Information**

We may share your personal information with others, but only in certain limited situations, including: (i) within our corporate group or among our affiliated entities, all of which follow this Privacy Policy or equivalent privacy policies; (ii) with our service providers or other parties who agree to keep your personal information confidential and use it only on behalf of OFS; (iii) if your investment is transferred from your current custodian to another custodian, we provide your contact details, tax identification number and other personal information contained within transfer documents to the new custodian on your behalf; and (iv) as otherwise agreed by you. Third parties with whom we share your personal information are bound to comply with similar and equally stringent undertakings of privacy and confidentiality.

In some cases, we may be required to disclose certain personal information to comply with legal or regulatory obligations; to comply with the charter of the applicable entity into which you invest; to detect and protect against fraud, or any technical or security vulnerabilities; for an investigation or a legal process, such as a court order or subpoena; to respond to an emergency; or otherwise to protect the rights, property, safety, or security of third parties, visitors to the website, our businesses, or the public. In addition, OFS may disclose certain personal information to any third party that acquires, or is interested in acquiring, all or part of OFS’s assets or shares, or that succeeds OFS in carrying on all or a part of its business, whether by merger, acquisition, reorganization or otherwise.

**13. European Privacy Rights and Disclosures**

This European Privacy Rights and Disclosure section addresses legal obligations and rights specified in the General Data Protection Regulation, or GDPR. These obligations and rights apply to individuals who are located in the European Economic Area.  This section describes the policies and procedures followed by OFS regarding the collection, use and disclosure of your personal data when you visit the website, or otherwise interact with OFS. For the purposes of this section 13 (European Privacy Rights and Disclosures), personal data means any information relating to an identified or identifiable natural person, either directly or indirectly.

According to the GDPR, OFS is the controller of your personal data.

**a. Collection of Your Personal Data**

When you visit the website, receive services from us or otherwise interact with us, we may collect the following personal data about you: your name, postal address, email address, phone number, account name, date of birth, Social Security number, driver’s license number, photograph, passport number, employer, job title, bank account information, financial information such as your income and net worth, risk tolerance and transaction history, details about your investment activity or retirement portfolios and information about your transactions with us such as the investment amount and any contributions and/or distributions, as well as any other information you choose to provide to us.

Where OFS carries out background checks on certain individuals for a business purpose, this may involve the processing of data relating to criminal convictions and offences. This data will only be processed where such processing is specifically required or authorized by law.

**b. Use of Your Personal Data**

We may use the personal data you give us to carry out the following purposes:

|  |  |
| --- | --- |
| **Purpose** | **Lawful Basis** |
| To contact you and to respond to your requests and enquiries when you contact us, or subscribe to receive email alerts | We have a legitimate interest to respond to your requests and enquiries for ongoing business administration |
| To deliver services to you | To manage and perform our contract with you |
| For recruitment purposes | We have a legitimate interest to consider an applicant for a role or vacancy in accordance with our recruitment process |
| To send you our newsletter/bulletin or any other direct marketing information | Where we have received your consent |
| For business administration, including statistical analysis | We have a legitimate interest to properly manage and administer our relationship with you and to ensure that we are effective and efficient |
| To personalise your visit to the website and to assist you while you use the websites | We have a legitimate interest to properly manage and administer our relationship with you and to ensure that we are effective and efficient |
| To improve the website by helping us understand who uses the websites | We have a legitimate interest to properly manage and administer our relationship with you and to ensure that we are effective and efficient |
| For fraud prevention and detection and to comply with applicable laws, regulations or codes of practice | To comply with our legal obligations |

You have the right to object to processing of your personal data where that processing is carried out for our legitimate interest.

**c. Sharing Your Personal Data**

We may share your personal information with others, but only in certain limited situations, including: (i) within our corporate group or among our affiliated entities, all of which follow this Privacy Policy or equivalent privacy policies; (ii) with our service providers or other parties who agree to keep your personal information confidential and use it only on behalf of OFS; (iii) if your investment is transferred from your current custodian to another custodian, we provide your contact details, tax identification number and other personal information contained within transfer documents to the new custodian on your behalf; and (iv) as otherwise agreed by you. Third parties with whom we share your personal information are bound to comply with similar and equally stringent undertakings of privacy and confidentiality.

In some cases, we may be required to disclose certain personal information to comply with legal or regulatory obligations; to comply with the charter of the applicable entity into which you invest; to detect and protect against fraud, or any technical or security vulnerabilities; for an investigation or a legal process, such as a court order or subpoena; to respond to an emergency; or otherwise to protect the rights, property, safety, or security of third parties, visitors to the website, our businesses, or the public. In addition, OFS may disclose certain personal information to any third party that acquires, or is interested in acquiring, all or part of OFS’s assets or shares, or that succeeds OFS in carrying on all or a part of its business, whether by merger, acquisition, reorganization or otherwise.

**d. International Transfers**

When you are based in the European Union (the “EU”), personal data collected from you, including via the websites may be transferred to certain recipients located outside the EU, which do not provide a similar or adequate level of protection to that provided by countries in the EU. You hereby consent to the transfer of your personal data to recipients as described in this Privacy Policy which are located outside of the EU. You may withdraw your consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

**e. Rights of Individuals**

You may have certain data privacy rights which may be subject to limitations and/or restrictions. These rights include the right to: (i) request access to and rectification and erasure of your personal data; (ii) obtain restriction of processing or to object to processing of your personal data; and (iii) ask for a copy of your personal data to be provided to you, or a third party, in a digital format. You also have the right to lodge a complaint about the processing of your personal data with your local data protection authority. If you would like to exercise any of these rights, please feel free to email us at: privacy@ofsmanagement.com.