

Complaints procedure

A. A. The type of complaints this complaints procedure pertains to

The complaints procedure only pertains to:

- 1.1. Complaints related to the (im)proper execution of the pension rules by the Foundation;
- 1.2. Complaints related to the (im)proper execution of an execution agreement – concluded between the Foundation and an employer- by the Foundation;
- 1.3. Complaints related to the accrual of pension capital within the pension scheme that is executed by the Foundation.

Complaints related to the risk insurances (death and disability) provided by the risk insurer, must be filed with the risk insurer.

B. Who can file a complaint?

- 2.1. A complaint can be filed by:

An **interested party**. This is:

- a) An active participant in a pension scheme executed by the Foundation; or
- b) A former participant in a pension scheme executed by the Foundation; or
- c) An ex-partner of an active or former participant in a pension scheme executed by the Foundation; or
- d) A survivor (spouse or orphan) of a deceased active or former participant in a pension scheme executed by the Foundation.

The **employer** with which the Foundation has concluded an execution agreement.

- 2.2. The interested party and the employer can only file a complaint with regard to the pension rules or execution agreement that applies to them.

C. Structure of the complaints procedure

- 3.1. The complaints procedure can consist of three phases:

Phase 1 – filing a complaint with the Foundation

If the interested party or the employer has a complaint, he can file it with the Foundation.

Phase 2 – filing objection with the board of the Foundation

If the interested party or the employer is of the opinion that the Foundation has not dealt with the complaint appropriately, he can file an objection with the board of the Foundation (hereafter: the board).

Phase 3 – external dispute resolution

If the interested party is of the opinion that the board has not dealt with the objection appropriately, he can:

- a) File a complaint with the Klachteninstituut Financiële Dienstverlening (hereafter: Kifid) free of charge; or
- b) File a complaint with the Ombudsman Pensioenen free of charge; or
- c) Submit the case to the competent court.

If the **employer** is of the opinion that the board has not dealt with the objection appropriately, he can:

- a) Submit the case to the competent court.

- 3.2. The complaints procedure always starts with Phase 1. The next phase can only be started after the previous phase has been completed..

D. Rules which apply during Phases 1 to 3

Phase 1 – Filing a complaint with the Foundation

- 4.1. A complaint must be filed with the Foundation in writing (mail or e-mail) by the interested party or employer.

Postal address: Postbus 22088, 1100 CB Amsterdam-Zuidoost

E-mail: servicedesk.nl@lifesight.com

- 4.2. The Foundation confirms the receipt of the complaint within two weeks after receipt of the complaint and will indicate when the complaint will be handled.

4.3. The written complaint contains:

- a) In the subject: the word “complaint”; and
- b) The contact information (postal address or email address) of the interested party concerned or the employer; and
- c) A clear and complete description of the complaint; and
- d) A clear motivation of the damage the interested party or employer has – in his opinion - suffered as a result of the alleged improper execution of the pension rules or the execution agreement.

If a complaint does not contain all of the components listed under a to d, the Foundation's response to a complaint could be delayed. In that case, a delay cannot be held against the Foundation.

4.4. Provided that the complaint has been filed correctly, the Foundation will respond to the complaint within 8 weeks.

If needed, the Foundation will request additional information from the interested party or the employer within the 8 week period. In that case, the 8 week period will be extended with the period between the moment the Foundation has requested the additional information and the moment the Foundation has received the additional information.

4.5. The Foundation's response to the complaint will contain a clear motivation of the decision that was taken with regard to the complaint.

4.6. Phase 1 ends as of the moment the Foundation has sent its decision to the interested party or the employer.

4.7. If an interested party or employer does not agree with the Foundation's decision on the complaint, he can file an objection with the board (Phase 2).

Phase 2 – Filing an objection with the board of the Foundation

5.1. The interested party or the employer must file an objection to the decision of the Foundation (see Phase 1) within 8 weeks of the date of the Foundation's decision on the complaint.

5.2. An objection must be filed with the board in writing (mail or e-mail) by the interested party or employer:

Postal address: Postbus 22088, 1100 CB Amsterdam-Zuidoost
E-mail: servicedesk.nl@lifesight.com

5.3. The written objection contains:

- a) In the subject: the word “objection”; and
- b) The contact information (postal address or email address) of the interested party concerned or the employer; and
- c) A clear and complete description of the objection; and
- d) A clear motivation of the damage the interested party or employer has – in his opinion - suffered as a result of the alleged improper execution of the pension rules or the execution agreement.

If an objection does not contain all of the components listed under a to d, the Foundation's response to an objection could be delayed. In that case, a delay cannot be held against the Foundation.

5.4. Provided that the objection has been filed correctly, the board will respond to the objection within 8 weeks.

If needed, the board will request additional information from the interested party or the employer within the 8 week period. In that case, the 8 week period will be extended with the period between the moment the board has requested the additional information and the moment the board has received the additional information.

The board will allow the interested party or employer to be heard if it feels this is necessary in order to take a motivated decision or if the interested party or employer requests to be heard.

5.5. The board's decision to the objection will contain a clear motivation of the decision that was taken with regard to the objection.

5.6. Phase 2 ends as of the moment the board has sent its decision to the interested party or the employer.

5.7. If an **interested party** does not agree with the board's decision on the objection, he can:

- a) File a complaint with the Kifid (*see Phase 3, option 1 below*) free of charge; or
- b) File a complaint with the Ombudsman Pensioenen (*see Phase 3, option 2 below*) free of charge; or
- c) Submit the case to the competent court (*see Phase 3, option 3 below*).

If the **employer** does not agree with the board's decision on the objection, he can:

- a) Submit the case to the competent court (*see Phase 3, option 3 below*).

Phase 3, option 1 – Filing a complaint with Kifid (for interested parties only, not employers)

In general

- 6.1. If an interested party does not agree with a decision of the board (see Phase 2), he can – free of charge - file a complaint with Kifid after the board has taken a decision on his objection within the time limits provided for in this document.

Please make sure that you submit your complaint with Kifid in time

Kifid may refuse your complaint if you do not submit it in time. Please visit Kifid's website in order to see until when you can file your complaint. You can file your complaint by mail or in digital form, see www.kifid.nl.

How will the Foundation respond to Kifid's ruling?

- 6.2. Kifid rulings are non-binding for the interested party and the Foundation.
- 6.3. If Kifid rules that the Foundation should pay damages to the interested party, the Foundation will inform the interested party in writing about the further handling of the complaint within 8 weeks after it has received the Kifid ruling. In that case, articles 6.4 and 6.5 apply.

If Kifid rules that the Foundation does not have to pay damages to the interested party, the Foundation will not inform the interested party as the latter will be informed of the ruling by Kifid.

- 6.4. If Kifid rules that the Foundation should pay damages to the interested party, the Foundation will pay the damages in full, provided that the following conditions have been met:

- a) The total of damages to be paid to the interested party – as determined by Kifid – is € 10.000 (ten thousand) or less; and
- b) There is no risk of cumulation. Cumulation means that a Kifid ruling in an individual case could also apply to other cases. The board is solely competent to determine whether there is a cumulation risk; and
- c) The interested party signs a waiver stating that – with regard to the case related to his complaint – he will not seek legal remedies in the future.

If the conditions listed under a to c have not been met, article 6.5 will apply.

- 6.5. If Kifid rules that the Foundation should pay damages to the interested party and the conditions listed in article 6.4 have not been met, the Foundation will assess Kifid's ruling. The outcomes of this assessment can be:

- a) The Foundation will not pay damages; or
- b) The Foundation will pay a portion of the damages determined by Kifid; or
- c) The Foundation will pay the damages determined by Kifid in full.

The Foundation will only pay the damages – as referred to under b and c above – if the interested party signs a waiver stating that – with regard to the case related to his complaint – he will not seek legal remedies in the future.

- 6.6. If an interested party does not agree with Kifid's ruling and/or the decision the board has taken following that ruling, the interested party can submit his case to the competent court.

Phase 3, option 2 – Filing a complaint with the Ombudsman Pensioenen (for interested parties only, not employers)

In general

- 7.1. If an interested party does not agree with a decision of the board (see Phase 2), he can – free of charge - file a complaint with the Ombudsman Pensioenen after the board has taken a decision on his objection within the time limits provided for in this document.

Please make sure that you submit your complaint with the Ombudsman Pensioenen in time

The Ombudsman Pensioenen may refuse your complaint if you do not submit it in time. Please visit the Ombudsman Pensioenen's website in order to see until when you can file your complaint. You can file your complaint by mail or in digital form, see www.ombudsmanpensioenen.nl.

How will the Foundation respond to an Ombudsman Pensioenen's advice?

- 7.2. An advice of the Ombudsman Pensioenen is non-binding for the interested party and the Foundation.
- 7.3. If the Ombudsman Pensioenen rules that the Foundation should pay damages to the interested party, the Foundation will inform the interested party in writing about the further handling of the complaint within 8 weeks after it has received the Ombudsman Pensioenen's ruling. In that case, articles 7.4 and 7.5 apply.

If the Ombudsman Pensioenen rules that the Foundation does not have to pay damages to the interested party, the Foundation will not inform the interested party as the latter will be informed of the advice by the Ombudsman Pensioenen.

7.4. If the Ombudsman Pensioenen rules that the Foundation should pay damages to the interested party, the Foundation will pay the damages in full, provided that the following conditions have been met:

- a) The total of damages to be paid to the interested party – as determined by the Ombudsman Pensioenen – is € 10.000 (ten thousand) or less; and
- b) There is no risk of cumulation. Cumulation means that an advice by the Ombudsman Pensioenen regarding an individual case could also apply to other cases. The board is solely competent to determine whether there is a cumulation risk; and
- c) The interested party signs a waiver stating that – with regard to the case related to his complaint – he will not seek legal remedies in the future.

If the conditions listed under a to c have not been met, article 7.5 will apply.

7.5. If the Ombudsman Pensioenen rules that the Foundation should pay damages to the interested party and the conditions listed in article 7.4 have not been met, the Foundation will assess the advice of the Ombudsman Pensioenen. The outcomes of this assessment can be:

- a) The Foundation will not pay damages; or
- b) The Foundation will pay a portion of the damages determined by the Ombudsman Pensioenen; or
- c) The Foundation will pay the damages determined by the Ombudsman Pensioenen in full.

The Foundation will only pay the damages – as referred to under b and c above – if the interested party signs a waiver stating that – with regard to the case related to his complaint – he will not seek legal remedies in the future.

7.6. If an interested party does not agree with the advice of the Ombudsman Pensioenen and/or the decision the board has taken following that advice, the interested party can submit his case to the competent court.

Phase 3, option 3 – Submitting the case to the competent court (interested party and employer)

8.1. If the interested party or employer does not agree with the decision of the board (see Phase 2) he can submit his case to the competent court.

Disclaimer: This is the translation into English of the Dutch version of the complaints procedure of the Foundation. This document has been prepared with the utmost care. However, in case of discrepancies between the Dutch and English documents, the Dutch version of the complaints procedure will prevail.



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