

# Investment Fund Review Appeal Form and Explanatory Notes

(To be used for one or more investments)

Allied Irish Banks, p.l.c.





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## Data Protection

- The lawful basis for the processing of your personal data in the context of this appeals process is your legitimate interests in making the appeal and AIB's legitimate interest in running this appeals process. If at any time you wish to object to your data being processed in the context of this appeal, or you want further information on how your data will be processed, please contact us by email at [belfryenquiries@aib.ie](mailto:belfryenquiries@aib.ie)
- If you are a co-investor and planning to appeal by completing this form, we would request that you please make your co-investors aware of the fact that you are making the appeal and that their data may be processed as a result of your appeal.
- Special category data (for example, health data) may be processed in the context of an appeal (for example where you provide such data to us using the form below). Any processing of special category data will be carried out strictly for the purpose of this appeals process. This processing is necessary for the purpose of establishing, exercising or defending legal rights.
- For information in relation to how AIB collects personal information about you, how we use it and how you can interact with us about it, see our data protection notice in branches and online. It may change from time to time.

## General Instructions

Before completing this form, please read the explanatory notes overleaf:

1. This form should be completed by investors who disagree with the outcome of the Review and who wish to appeal certain aspects of it. Your entitlement to appeal to the Independent Appeal Panel and the steps the Independent Appeal Panel may take in respect of your Appeal will depend on your Categorisation. Further detail is set out in the Independent Appeal Panel Terms of Reference and Panel Rules.
2. This Appeal Form should be signed by the investor(s) who wish to submit an Appeal or by a duly authorised person on behalf of the investor. If you are a duly authorised person, please confirm the capacity in which you are signing the Appeal Form and include the original authority to act on behalf of the investor in order that the Independent Appeal Panel may engage with you on all matters relating to the Appeal.
3. Any customer who is a co-investor may submit an appeal on their individual behalf should they wish to do so. Where possible, the Independent Appeal Panel will endeavour to assess and determine together any Appeals submitted by co-investors. If you are a co-investor but decide **not** to make an appeal, please note that your data may be processed by the Independent Appeal Panel where another co-investor decides to make an appeal. In such a case, it will be in the legitimate interests of the appellant and AIB to process your personal data for this limited purpose. If you are not appealing and wish to object to your data being processed for the purpose of a co-investors appeal, please contact us by email at [belfryenquiries@aib.ie](mailto:belfryenquiries@aib.ie).
4. In responding to the questions set out in this Appeal Form, please include as much detail as possible. Where necessary, please use additional pages to fully address the questions raised marking each page with the question number it relates to. Please note that the Independent Secretariat may write to you seeking further information, documents or clarification in relation to your Appeal.
5. On completion of this form, please sign and send it, together with supporting documents, to the following address:-

**Independent Secretariat Team,  
Financial Services Advisory,  
Grant Thornton,  
13-18 City Quay,  
Dublin 2,  
D02 ED70**

### Confirmation

Please note that by signing this form where indicated below you are acknowledging that:-

- i) AIB will provide the following to the Independent Appeal Panel, via the Independent Secretariat:
  - a copy of the information and all relevant and associated documents, including but not limited to the prospectus for your investment, the application form you signed prior to your investment, and any suitability assessment completed by you relating to your investment; and
  - any further responses submitted by AIB;
- ii) **CONFIRMING** that all information provided in this Appeal Form and the enclosed supporting documents is **TRUE AND ACCURATE** to the best of your knowledge and belief for the purposes of assessing your Appeal.



## Explanatory Notes

1. The Review has assessed your case and you have received a Review Outcome Letter from us placing the investment in one of the following categories:
  - **Unsuitable Investment:** this means that the Review has concluded that the investment may have been unsuitable.
  - **Investment with an Error in the Sales Process:** this means that the Review has determined that an error may have occurred as part of the sales process.
  - **Suitable Investment:** this means that the Review has determined that the investment was suitable.

The Review Outcome Letter also set out details of the Payment we have determined is due to you following the Review, or why we do not consider that any payment, other than an independent advice payment, is due to you following the Review.

2. We have established an Independent Appeal Process that will enable you to appeal certain aspects of the outcome of the Review to an Independent Appeal Panel if you disagree with the outcome. The Independent Appeal Panel will take into account any relevant information and documentation provided by either you or us in assessing any Appeal.
3. You may appeal certain aspects of the outcome of the Review, depending on your Categorisation. This is set out in detail in the accompanying Terms of Reference and summarised below:
  - **Unsuitable Investment:** you may submit a claim for additional related losses over and above your Payment. This claim will be considered where documentary evidence is submitted in support of the claim and it will be assessed by the Independent Appeal Panel by reference to established legal principles, as detailed further in paragraph 4.3 of the Terms of Reference.
  - **Investment with an Error in the Sales Process:** you may appeal your Categorisation by providing evidence to demonstrate that you should have been categorised as having invested in an Unsuitable Investment and / or you may submit a claim for additional related losses over and above your Payment. This claim will be considered where documentary evidence is submitted in support of the claim and it will be assessed by the Independent Appeal Panel by reference to established legal principles as detailed further in paragraph 4.3 of the Terms of Reference.
  - **Suitable Investment:** you may appeal your Categorisation where you have evidence to support that the Categorisation is incorrect. For example, you may have documentation that would provide further detail on the investment objectives, investment experience, and your financial position at the time you made the investment.
4. In order for the Independent Appeal Panel to assess your appeal, you must complete Sections 1, 2 and 3 of this Appeal Form and also provide supporting documents to demonstrate that your Categorisation is incorrect and / or provide documentary evidence in support of your claim for additional related losses.
5. The Appeal Form must be signed by all investors who are submitting this appeal or by a duly authorised person on behalf of the investor(s), at Section 4, before it will be considered. For the avoidance of any doubt, if you are a co-investor, you can submit this appeal on your own individual behalf should you wish to do so. If you decide not to appeal but one of your co-investors decides to appeal, your data will be shared with the Independent Appeal Panel as part of the appeal (on the basis that this is in the legitimate interests of the appealing party and AIB in administering this process). If you object to your data being shared in this manner for the purpose of a co-investor's appeal, please contact us by email at [belfryenquiries@aib.ie](mailto:belfryenquiries@aib.ie).
6. The Independent Appeal Panel will take into account all relevant documentation provided by either you or us in assessing any Appeal. After considering your Appeal, the Independent Appeal Panel may approve or reject all aspects of your Appeal, or alternatively may approve some but reject other aspects of your Appeal. If the Independent Appeal Panel agrees with all or part of your Appeal, it can direct us to change your Categorisation and / or pay you compensation for any additional related losses if it considers that your claim meets the relevant legal tests.
7. If you received a Payment, you will remain entitled to the Payment regardless of the outcome of your Appeal.
8. If the Independent Appeal Panel considers it necessary to deal with your Appeal effectively, it may require that an oral hearing takes place. It is for the Independent Appeal Panel alone to decide whether to hold an oral hearing or not. Please refer to section 2.19 and 2.20 of the Panel Rules enclosed for further detail on how an oral hearing operates.
9. The Independent Appeal Panel will send both us and you a copy of its decision together with a written summary of the reasons for its decision which will include any directions to us to make an additional payment if so determined.
10. If any aspect of your Appeal is upheld then the Independent Appeal Panel has the discretion to direct us to reimburse you for any reasonable costs you have incurred in making your Appeal.
11. The Independent Appeal Panel decision will include an Acceptance Form which will ask you to confirm whether you accept or reject the Independent Appeal Panel's decision.

12. You will not be bound by the Independent Appeal Panel decision unless and until you sign and return the Acceptance Form. If you accept the Independent Appeal Panel decision and sign the Acceptance Form you will waive all claims and complaints against us in relation to the matter the subject of your Appeal, including your right to pursue a further complaint in relation to the subject matter of your Appeal to the Financial Services and Pensions Ombudsman (FSPO) or to the Courts.
13. If you are not satisfied with the Independent Appeal Panel's decision, you can make a complaint to the FSPO.
14. As explained in the Review Outcome Letter, if you have any queries, we have a dedicated team available to assist you with your queries and can be reached via the contact details listed in your Review Outcome Letter. Once you have filed your Appeal Form with the Independent Secretariat, they will correspond with you directly regarding your appeal, on our behalf and/or on behalf of the Independent Appeal Panel.
15. You may submit an Appeal to the Independent Appeal Panel using this Appeal Form. You may submit an appeal to the Independent Appeal Panel until 30 November 2023.
16. On completion of this form, please sign pages 10 and 11 and send it, together with supporting documentation, to the following address:-

**Independent Secretariat Team,  
Financial Services Advisory,  
Grant Thornton,  
13-18 City Quay,  
Dublin 2,  
D02 ED70.**

# Section 1: Investor(s) details

## Investor 1

Name	
Correspondence Address	
Eircode	
Work Phone	
Home Phone	
Mobile Phone	
M. Reference Number(s)	
Customer Reference Number	

## Investor 2

Name	
Correspondence Address	
Eircode	
Work Phone	
Home Phone	
Mobile Phone	
M. Reference Number(s)	
Customer Reference Number	

## Investor 3

Name	
Correspondence Address	
Eircode	
Work Phone	
Home Phone	
Mobile Phone	
M. Reference Number(s)	
Customer Reference Number	



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## Section 2: Reason(s) for appeal

Please outline what aspects of the Review Outcome Letter you wish to appeal. The aspects which you may appeal will depend on your Categorisation and this is set out in detail in the accompanying Terms of Reference and Panel Rules and summarised at section 3 above.

In order for the Independent Appeal Panel to consider your appeal, you must provide the following supporting documents with this Appeal Form:-

- A.** If the investment has been categorised as: (i) Investment with an Error in the Sales Process; or (ii) Suitable Investment and you wish to appeal this Categorisation, you should include a summary of why you consider your Categorisation as set out in your Review Outcome Letter is incorrect and documentary evidence to support this.
- B.** If you are submitting a claim for additional related losses over and above the amount offered to you in your Payment you will be required to demonstrate that the relevant legal tests are met in respect of these claims. These legal tests will include an assessment of:
- i. the documentary evidence submitted in support of the claim (claims not supported by evidence will not be considered);
  - ii. whether the additional related loss claimed was caused by a failure by us at the time of the investment; and
  - iii. whether the additional related loss was a reasonably foreseeable outcome of any of our failures at the time of the investment.

### Categorisation

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**(1) Please select your Categorisation as set out in your Review Outcome Letter:**

- i. Unsuitable Investment ☐
- ii. Investment with an Error in the Sales Process ☐
- iii. Suitable Investment ☐

**If your investment has been categorised as an Unsuitable Investment, please move to question 3.**

**If your investment has been categorised as either an Investment with an Error in the Sales Process or a Suitable Investment, please continue below.**

**(2) Please describe below why you consider that this Categorisation is incorrect and provide evidence to support why the investment should have been categorised differently**

List of documents enclosed to support your view that this Categorisation is incorrect

Claim for additional related losses

(1) Please describe below details of any claims for additional related losses over and above your Payment that you believe were caused by a failure by us at the time of the investment. Please describe each type of additional related loss, specify the amount of each loss (where possible) and state what supporting documents you have enclosed with this form. Please note that claims not supported by evidence will not be considered.

Description of additional related losses claimed

Amount €

Supporting documents



(2) Please explain (providing as much detail as possible) why your Review Outcome Letter does not adequately compensate you for these additional related losses.

(3) Please explain (including as much detail as possible) why and/or how a failure by us at the time of the investment caused the additional related losses you have described above.



(4) Please explain why it was a reasonably foreseeable outcome of our failures at the time of the investment that you would suffer the losses claimed.

### Section 3: Additional supporting documents

Please include a list of additional supporting documents (if any) which you have enclosed with this Appeal Form (which are not listed in Section 2)

1.		6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

### Section 4: Signature, confirmation & declaration

I/We hereby confirm and warrant that all information which I/We have provided in this Appeal Form and in any enclosed supporting documents, is true and accurate to the best of my/our knowledge and belief.

I/We hereby acknowledge that AIB and the Independent Appeal Panel will retain and use the information provided by me/us in relation to this appeal and any information held by AIB relating to the conduct of my/our investment(s) to which this Appeal relates, for the purposes of processing and managing the appeals process and all other purposes connected with the appeals process.

I/We hereby acknowledge that AIB will provide the following to the Independent Appeal Panel, via the Independent Secretariat:-

- a copy of the information and all relevant and associated documents, including but not limited to the prospectus for your investment, the application form you signed prior to your investment; and any suitability assessment completed by you relating to your investment; and
- any further responses submitted by AIB;

I/We hereby confirm that that all information provided in this Appeal Form and any enclosed supporting documents is TRUE AND ACCURATE to the best of my/our knowledge and belief for the purposes of assessing my/our Appeal.

I/We hereby acknowledge that information and documentation relating to all investors to a joint investment account will be shared with the Independent Appeal Panel to facilitate the assessment of an appeal.

**\*Signed**

Date      Day      /      Month      /      Year  
□ □      /      □ □      /      □ □

**\*Signed**

Date      Day      /      Month      /      Year  
□ □      /      □ □      /      □ □

**\* Original signature required**



## Section 5: Signature, confirmation & declaration of other co-investors

I/We hereby acknowledge that AIB and the Independent Appeal Panel will retain and use the information provided by  
\*\*(  )\*\* in

relation to this appeal and any information held by AIB relating to the conduct of my/our investor account(s) to which this appeal relates, for the purposes of processing and managing the appeals process and all other purposes connected with the appeals process, and I/We consent to the use, processing, holding and storing by AIB, the Independent Secretariat and the Independent Appeal Panel or all such information for such purposes.

I/We hereby acknowledge that AIB will provide the following to the Independent Appeal Panel, via the Independent Secretariat:-

- a copy of the information and all relevant and associated documents, including but not limited to the prospectus for the investment, the application form you signed prior to the investment; and any suitability assessment completed by you relating to the investment; and
- any further responses submitted by AIB;

I/We hereby confirm that that all information provided in this Appeal Form and any enclosed supporting documents is TRUE AND ACCURATE to the best of my/our knowledge and belief for the purposes of assessing my/our Appeal.

I/We hereby acknowledge that information and documentation relating to all investors to a joint investment account will be shared with the Independent Appeal Panel to facilitate the assessment of an appeal.

\*\*(  )\*\*.

**\*Signed**

Day Month Year

**Date**

 /  / 

**\*Signed**

Day Month Year

**Date**

 /  / 

**\* Original signature required**

**\*\* Please insert the name of the investor who is lodging the appeal**