

## DATA PRIVACY NOTICE FOR CUSTOMERS, SUPPLIERS AND AGENTS

Effective: December 2023

### 1. THIS DATA PRIVACY NOTICE

Sumitomo Mitsui Financial Group ("SMFG") respects an individual's privacy and complies with all applicable data protection and privacy laws in all jurisdictions, in which it provides and receives products and services. This Data Privacy Notice ("the Notice") sets out how Sumitomo Mitsui Banking Corporation, Johannesburg Representative Office ("we", "our", "us" or "SMBC JRO"), as data controller, will collect and use Personal Information.

In all cases, any complaints and requests to exercise Data Subject rights should be sent by email to [SMBCPrivacyOfficeZA@za.smbcgroup.com](mailto:SMBCPrivacyOfficeZA@za.smbcgroup.com)/[dataprivacyteam@gb.smbcgroup.com](mailto:dataprivacyteam@gb.smbcgroup.com) or by telephone on + 27 (0)11 2195300.

### 2. DEFINITIONS

TERM	MEANING
<b>Applicable Data Protection Legislation</b>	All the applicable data protection and privacy laws and guidance, including the South Africa Protection of Personal Information Act, 2013 ("POPIA") and the South Africa Promotion of Access to Information Act, 2000 ("PAIA"), as amended from time to time ("South Africa Data Protection Law")
<b>Controller</b>	Any person who, alone or jointly with others, determines the purposes and means of the Processing of Personal Information.
<b>Data Subject</b>	The identified or Identifiable Natural Person to whom Personal Information relates.
<b>Group</b>	Any group of entities that are related to each other by virtue of being Subsidiaries of the same ultimate Holding Company or subsidiaries of any such Subsidiaries. Ultimate 'Holding Company' and 'Subsidiary' have the meaning given in the South Africa Companies Act, 2008, (as amended or updated).
<b>Identifiable Natural Person</b>	A natural living person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one (1) or more factors specific to his biological, physical, biometric, physiological, mental, genetic, economic, cultural or social identity (and "Identified Natural Person" is interpreted accordingly).
<b>Joint Controller</b>	Any Controller that jointly determines the purposes and means of Processing with another Controller.
<b>Information Officer</b>	The duties and responsibilities of a responsible party's information officer are set forth in POPIA and include encouraging and ensuring compliance with POPIA; dealing with any requests made

<b>Personal Information</b>	<p>Information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing, juristic person, including:</p> <ul style="list-style-type: none"> <li>• Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin; colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief; culture, language and birth of the person</li> <li>• Information relating to the education, medical, financial, criminal or employment history of the person</li> <li>• Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person</li> <li>• The biometric information of the person</li> <li>• The personal opinions, views or preferences of the person</li> <li>• Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence</li> <li>• The views or opinions of another individual about the person</li> <li>• The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person</li> </ul>
<b>Personal Information Breach</b>	<p>In terms of section 22 of POPIA, where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorized person, the responsible party must notify the Information Regulator and the data subject, unless the identity of such data subject cannot be established. Personal Information</p>
<b>Process, processed, processes and processing (and other variants)</b>	<p>Any operation or set of operations, which is performed upon Personal Information, whether or not by automated means, such as collection, recording, organisation, structuring, storage and archiving, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination, transfer or otherwise making available, alignment or combination, restricting (meaning the marking of stored Personal Information with the aim of limiting Processing of it in the future), erasure or destruction, but excluding operations or sets of operations performed on Personal Information by:</p> <ul style="list-style-type: none"> <li>(a) a natural person in the course of a purely personal or household activity that has no connection to a commercial purpose; or</li> <li>(b) law enforcement authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including safeguarding against and preventing threats to public security.</li> </ul>
<b>Processor</b>	<p>Any person who Processes Personal Information on behalf of a Controller.</p>
<b>Recipient</b>	<p>Any person to whom Personal Information is disclosed, whether a Third Party or not; however, authorities which may receive Personal Information in the framework of a particular inquiry shall not be regarded as recipients.</p>

Special Personal Information	<p>Special personal information is information concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information and criminal behaviour (to the extent that such information relates to the alleged commission of an offence or any proceedings in respect of any offence allegedly committed, or the disposal of such proceedings).</p> <p>Subject to certain prescribed exceptions, the processing of special personal information without the consent of the data subject is generally prohibited under POPIA. Personal Information</p>
Sub-processor	A processor appointed by the Processor in accordance with the DIFC Data Protection Law
Third Party	<p>Any person authorised to process Personal Information other than the:</p> <p>(a) the Data Subject;</p> <p>(b) the Controller;</p> <p>(c) Joint Controller;</p> <p>(d) the Processor; or</p> <p>(e) Sub-processor</p>

### 3. TO WHOSE PERSONAL INFORMATION DOES THIS NOTICE APPLY?

The Notice describes our practices when using Personal Information in the context of relationships with customers, suppliers, and agents to whom SMBCJRO provides, or from whom SMBCJRO receives any product or service, and/or with whom SMBCJRO enters into any transaction. This includes, for example, the Personal Information of the directors, officers, board members, staff members or shareholders of our customers and/or suppliers.

### 4. PERSONAL INFORMATION WE COLLECT

We collect certain Personal Information in the course of providing and receiving products or services. We may collect the Personal Information directly from individuals through communications, applications or other forms, whether we receive these in writing or electronically. This can include the information set out below.

- **Contact information** we use to communicate with customers, suppliers and agents such as details of name, position, current and former addresses (private and professional), telephone number (private and professional), email address;
- **Identity information** we use to identify or authenticate individuals or to meet tax, anti-money laundering (AML) and other “Know Your Customer” (KYC) legal and regulatory obligations, such as details of name, address (private and professional), employer, age/date of birth, nationality, sex, civil status, photograph, place of birth (City/Country), Individual Tax ID, government IDs (including passport details), and information to assist us to determine whether the individual is a Politically Exposed Person(s) (PEP or PEPs), which may include information about criminal convictions if we are authorised to use this information under data protection legislation. This may extend to historic information about principals including past employment and qualifications;
- **Financial information** such as payments made and received and goods and services provided or purchased;
- **Image capturing** such as photographs taken at events, videos, and CCTV footage;
- **Communications information** including communications by e-mail, telephone or post in the course of communicating with customers, suppliers and agents and providing services to customers, including recordings of telephone calls;

- **Account access information** where we provide on-line account access, log-in and similar credentials, and information about use of such access; and
- **Relationship information** that helps us to understand more about how to conduct business with customers, suppliers and agents, their business requirements, and what types of products and services may be of interest to customers.

## 5. WHERE WE COLLECT PERSONAL INFORMATION FROM

This Notice applies when we collect individuals' Personal Information from third parties or when we collect it directly from the individual. We may collect Personal Information from Third Party sources, which include the following:

- Our corporate customers, suppliers and agents;
- Other SMFG Group companies;
- Third Party referrals;
- Checking and verification processes such as due diligence checks;
- Social media sites such as LinkedIn and other public internet sites; and
- Credit reference agencies, insurance information bureaus and government or financial institutions.

We may also collect Personal Information about individuals from our searches of third-party sources such as the press, online publications, corporate registers, sanctions list, and databases of PEP for KYC and AML purposes.

## 6. HOW AND WHY WE USE PERSONAL INFORMATION

We use the Personal Information we collect for the purposes of:

- Facilitating smooth running of the business through communication within the SMFG Group, with corporate customers, suppliers and agents, for example, to communicate about the goods and services we provide to customers or we receive from SMFG Group or suppliers;
- Verifying identity, checking transactions for AML purposes, assisting in the prevention of fraud, terrorist financing, bribery and corruption, tax evasion, and assisting us to not provide services where individuals may be subject to economic or trade sanctions, on an ongoing basis, in accordance with our AML/KYC/PEP policies;
- Credit assessment and in order to take decisions whether to accept a customer, supplier or agent;
- Fulfilling a transaction initiated by us, such as the purchase of goods and services from suppliers;
- Fulfilling a transaction or providing a service initiated by a customer;
- Assisting our customers and SMFG Group companies to perform their obligations under the contracts that they have in place with each other;
- Assisting and enabling SMFG Group companies to fulfil a transaction or provide a service initiated by a customer;
- Sending communications by various methods, such as mail, e-mail, telephone, fax and other channels;
- Maintaining and building upon relationships with customers, with SMFG Group, suppliers and agents and other business development activities;
- Maintaining business records of services, payments and other transactions;
- Conducting audits for the legitimate purposes of the business;
- Conducting business planning and database management;
- Managing events, including inviting individuals to events;
- Enabling individuals to access online accounts on behalf of customers;
- Conducting internal product analysis and market research in order to develop and improve our products and services to customers, and to better service their accounts;
- Maintaining our systems;
- Addressing and resolving issues and complaints internally as soon as possible in order to enable us to deliver high standards of service;
- Complying with contractual, legal and regulatory obligations;

- Conducting activities aimed at fraud and theft prevention or investigation, or other security, crime prevention or risk management purposes; and
- Providing individuals acting on behalf of customers with more choices or information about products and services, which may be of interest to our customers.

## 7. THE LEGAL BASES UPON WHICH WE PROCESS PERSONAL INFORMATION

We process Personal Information in accordance with the following legal bases:

- Where we have your specific written consent;
- The processing of the personal information is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party;
- The processing complies with an obligation imposed on you by law which may include certain legal or regulatory requirements such as the requirement to record certain telephone lines;
- The processing protects a legitimate interest of the data subject; or

The processing of the personal information is necessary for pursuing the legitimate interests of your company or of a third party to whom the information is supplied. Personal Information

We have determined that our legitimate interests include the following:

- Managing our business and our brand;
- Improving and managing relationships within the SMFG Group, customers, suppliers and agents;
- Our compliance with our legal and regulatory requirements;
- Improving the overall performance of the business;
- Conducting internal audits for the legitimate purposes of managing our business;
- Receiving professional (including legal) advice to protect our business and our brand;
- Issuing communications including marketing or other communications about products or services, where this is necessary to promote our services to customers;
- Managing our credit, business and other risks as may be required to operate as an effective, efficient, and financially prudent financial institution; and
- Where this is necessary, to pursue our legitimate interests in managing and protecting our business.

If an individual requires further information regarding our legitimate interests as applied to their Personal Information, they should contact Achmat Adams, Information Officer, [achmat\\_adams@za.smbcgroup.com](mailto:achmat_adams@za.smbcgroup.com) or by telephone + 27-11-219-5305, or Chiaki Hislop, Deputy Information Officer, [chiaki\\_hislop@za.smbcgroup.com](mailto:chiaki_hislop@za.smbcgroup.com) or by telephone +27 11 219-5309.

For limited purposes, such as in the case of undertaking AML, KYC and PEP checks and related actions, it may be necessary to process special categories of data and sensitive Personal Information. In these circumstances, we will process Personal Information only when there is a legal basis we can rely on under Applicable Data Protection Legislation. This may also include data about criminal convictions if we are authorised to use this information under Applicable Data Protection Legislation. The legal bases we can rely on include, without limitation, where:

- we have your explicit consent for Processing for one or more specified purposes;
- the Processing is necessary to protect the vital interests of a Data Subject or another natural person, where the Data Subject is incapable of giving consent;
- the Processing is necessary for the establishment, exercise or defence of legal claims;
- Processing is necessary to comply with Applicable Law to which we are subject (in the circumstances where we have provided clear notice of the Processing as soon as reasonably practicable to the extent we are permitted) and where Processing is necessary to comply with Applicable Law to which we are subject in relation to anti-money laundering or counter-terrorist financing obligations or the prevention, detection or prosecution of any crime;

In certain circumstances, where an individual does not provide Personal Information which is required (for example, for us to carry out AML checks), we will not be able to provide the products and services under our contract with customers or may not be able to comply with a legal obligation on us. We will make it clear if and when this situation arises and what the consequences of not providing the Personal Information will be.

## **8. MARKETING COMMUNICATIONS**

We will keep our customers up to date with details of our services by email / post, etc. using the Personal Information that individuals have supplied, or which we have obtained about them. Individuals can opt out of, or object to receiving marketing by contacting Achmat Adams, Information Officer, by email to [achmat\\_adams@za.smbcgroup.com](mailto:achmat_adams@za.smbcgroup.com) or by telephone + 27 11 219-5305 or Chiaki Hislop, Deputy Information Officer by email to [chiaki\\_hislop@za.smbcgroup.com](mailto:chiaki_hislop@za.smbcgroup.com) or by telephone +27 11 219-5309.

Additionally, we will ensure that any third-party companies assisting us in marketing our products and services, or with whom we have marketing agreements, are under contractual obligations to protect the confidentiality of Personal Information, and to use it only to provide the services we have asked them to perform.

## **9. WHO WE SHARE PERSONAL INFORMATION ABOUT INDIVIDUALS WITH**

We will disclose Personal Information of individuals as follows:

- Within the SMFG Group for the purposes as set out in this Notice (for example, to manage our and other SMFG Group companies' relationship with customers, suppliers and agents, for internal reporting and compliance purposes, where those group companies provides services to us. In some cases, we may share your Personal Information with other SMFG Group companies where your organisation holds a product or service with such other SMFG Group companies or provides services to them. When this happens, the SMFG Group company that has access to your Personal Information may act as a data controller in respect of your Personal Information. In such cases, the data privacy notice of that SMFG Group company will apply.
- To credit reference and other third-party agencies and suppliers in order to carry out AML/KYC/PEP checks and comply with legal obligations;
- To third parties who have introduced customers, suppliers or agents to us, such as SMFG Group companies or financial service providers, in order to process the data for the purposes as set out in this Notice;
- To third parties who work on our behalf or for the customer to service or maintain customer accounts, such as administrators and managers including those external to SMBC and SMFG;
- To third parties who provide technical services, such as suppliers of banking applications and other IT systems, and print services, which we use to process that Personal Information;
- To third parties who manage our physical premises;
- To third parties who service or maintain our business contact database and those who support an SMBC website;
- To third parties providing services to us such as our professional advisers (e.g. auditors and lawyers);
- To a party representing a customer, supplier or agent (for example, in response to a legal process);
- To competent authorities such as tax authorities, courts, regulators and other government agencies, security or police authorities where required or requested by law, or where we consider it necessary (to the extent permitted by law); and
- Subject to applicable laws, in the event that SMBC DIFC Branch or SMFG is merged, sold, or in the event of a transfer of some or all of our assets (including in bankruptcy), or in the event of another corporate change, in connection with such transaction.

## 10. WHERE WE HOLD PERSONAL INFORMATION

We may transfer and maintain the Personal Information of individuals covered by this Notice on servers or databases outside of South Africa, in particular to SMFG Group companies. For example, we may be required to send to SMFG Group companies in Japan the names of directors, officers, board members, staff members or shareholders of its corporate customers who are Japanese nationals or non-Japanese nationals (in the latter case, whether residing in Japan or otherwise) for screening checks. In most cases, the specific legal jurisdictions outside **South Africa** to which SMBC JRO sends individuals' data are:

- Belgium
- Czech Republic
- Egypt
- France
- Germany
- Ireland
- Italy
- Japan
- Kuwait
- Lebanon
- Netherlands
- Qatar (which includes the Qatar Financial Centre ("QFC"))
- Saudi Arabia
- Spain
- South Korea
- Turkey
- Ukraine
- United Arab Emirates (which includes the emirate of Abu Dhabi and its free zone, the Abu Dhabi Global Market ("ADGM") and the free zone in Dubai, known as the Dubai International Financial Centre ("DIFC")).
- United Kingdom
- United States

These legal jurisdictions may not have the equivalent level of data protection laws as in South Africa. Where we transfer your Personal Information outside South Africa, we will use, share and safeguard that Personal Information as described in this Notice. We only transfer Personal Information to these legal jurisdictions subject to appropriate safeguards that assure your Personal Information is protected and safeguarded once it leaves South Africa. If you would like to obtain the details of such safeguards, you can request these by contacting Achmat Adams, Information Officer, [achmat\\_adams@za.smbcgroup.com](mailto:achmat_adams@za.smbcgroup.com) or by telephone +27-11-219-5305, or Chiaki Hislop, Deputy Information Officer, [chiaki\\_hislop@za.smbcgroup.com](mailto:chiaki_hislop@za.smbcgroup.com) or by telephone +27 11 219-5309.

## 11. HOW LONG WE WILL STORE PERSONAL INFORMATION FOR

We will retain the Personal Information of individuals covered by this Notice for as long as required to perform the purposes for which the data was collected, depending on the legal basis on which that Personal Information was obtained and/or whether additional legal/regulatory obligations mandate that we retain the Personal Information. In general terms, this will mean that Personal Information will be kept for the duration of our relationship with the individual and:

- the period required by tax, company and financial services laws and regulations; and
- as long as it is necessary for individuals to be able to bring a claim against us and for us to be able to defend ourselves against any legal claims. This will generally be the length of the relationship plus the length of any applicable statutory limitation period under applicable law.

In certain circumstances, Personal Information may need to be retained for a longer period of time, for example, where we are in ongoing correspondence or there is a continuing claim or investigation.

## 12. WHAT AN INDIVIDUAL'S RIGHTS ARE IN RELATION TO THE PERSONAL INFORMATION

Individuals will have certain rights in relation to their Personal Information. Some of these rights will only apply in certain circumstances. If an individual would like to exercise, or discuss, any of these rights, they should submit their request to Achmat Adams, Information Officer, [achmat\\_adams@za.smbcgroup.com](mailto:achmat_adams@za.smbcgroup.com) or by telephone + 27-11-219-5305, or Chiaki Hislop, Deputy Information Officer, [chiaki\\_hislop@za.smbcgroup.com](mailto:chiaki_hislop@za.smbcgroup.com) or by telephone +27 11 219-5309 and provide sufficient information to allow us to understand the scope of the request. If the request is submitted by telephone, we may request that a written request is submitted by email covering the information required by us to respond to the request.

DATA COLLECTED	DETAILS
<b>Access</b>	Individuals are entitled to ask us whether we are processing their Personal Information and, if we are, they can request access to their Personal Information. This enables them to receive a copy of the Personal Information we hold about them and certain other information about it.
<b>Automated decisions</b>	Individuals are entitled, with certain limited exceptions (for example, where the individual has provided their explicit consent) to contest any automated decision made about them where this has a legal or similarly significant effect, and to ask for it to be reconsidered.
<b>Consent</b>	If our processing is based on consent, individuals can withdraw their consent at any time by contacting Achmat Adams, Information Officer, <a href="mailto:achmat_adams@za.smbcgroup.com">achmat_adams@za.smbcgroup.com</a> or by telephone + 27-11-219-5305, or Chiaki Hislop, Deputy Information Officer, <a href="mailto:chiaki_hislop@za.smbcgroup.com">chiaki_hislop@za.smbcgroup.com</a> or by telephone +27 11 219-5309. This will not affect the lawfulness of processing based on consent before such withdrawal.
<b>Rectification</b>	Individuals are entitled to request that any incomplete or inaccurate Personal Information we hold about them be corrected unless it is not technically feasible to do so.
<b>Erasure</b>	Individuals are entitled to ask us to delete or remove Personal Information in certain circumstances. There are also certain exceptions where we may refuse a request for erasure, for example, where the Personal Information is required for compliance with law, or in connection with claims.



<b>Objection</b>	Where we are processing Personal Information based on legitimate interests (or those of a third party), an individual may challenge this. However, we may be entitled to continue processing Personal Information based on our compelling legitimate interests or where this is relevant to legal claims. An individual also has the right to object where we are processing Personal Information for direct marketing purposes.
<b>Portability</b>	Individuals are entitled to request the transfer of their Personal Information to another Third Party in limited circumstances, where technically feasible.
<b>Restriction</b>	Individuals are entitled to ask us to restrict the processing of their Personal Information, for example if they want us to establish its accuracy or the reason for processing it.
<b>Non-discrimination</b>	Individuals are entitled to not be discriminated against where such individuals exercise their rights under South Africa Data Protection Law, including by not being denied any services, being charged different prices or rates for such services or being provided less favourable level or quality of services.
<b>Supervisory Authority</b>	Individuals also have the right to lodge a complaint with the Information Regulator where they believe there has been a breach of the Applicable Data Protection Legislation.

### Changes to this Notice

This Notice may be amended by SMBC JRO from time to time. Amended notices will be issued to Customers. Amendments shall take effect on the date specified in the relevant notice.

### How to Contact Us

If an individual wishes to exercise their individual rights, or to raise any questions, concerns, or complaints concerning this Notice or our data practices, they can contact us at Achmat Adams, Information Officer, [achmat\\_adams@za.smbcgroup.com](mailto:achmat_adams@za.smbcgroup.com) or by telephone + 27-11-219-5305, or Chiaki Hislop, Deputy Information Officer, [chiaki\\_hislop@za.smbcgroup.com](mailto:chiaki_hislop@za.smbcgroup.com) or by telephone +27 11 219-5309 or [SMBCPrivacyOfficeZA@za.smbcgroup.com](mailto:SMBCPrivacyOfficeZA@za.smbcgroup.com)/[dataprivacyteam@gb.smbcgroup.com](mailto:dataprivacyteam@gb.smbcgroup.com)