

**DATA PRIVACY NOTICE FOR CUSTOMERS, SUPPLIERS AND AGENTS**

**Effective: February 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 SMBC Nikko Capital Markets Ltd (ADGM Branch) (“**we**”, “**our**”, “**us**” or “**SMBC ADGM Branch**”), as data controller, will collect and use Personal Data.

The purpose of this Notice is to inform you of your statutory rights and the protections available to you in relation to your Personal Data when it is provided to us and to provide further insight into how we use your Personal Data.

[www.smbcgroup.com/emea/privacy](http://www.smbcgroup.com/emea/privacy)

In all cases, any complaints, and requests to exercise Data Subject rights should be sent by email to [SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com](mailto:SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com) or by telephone on +971 2236 3601.

**DEFINITIONS**

TERM	MEANING
<b>Applicable data protection legislation</b>	All the applicable data protection and privacy laws and guidance, including the ADGM Data Protection Regulations 2021 and any associated rules and guidance, as amended from time to time (“ <b>ADGM Data Protection Law</b> ”)
<b>Controller</b>	Any person who, alone or jointly with others, determines the purposes and means of the Processing of Personal Data.
<b>Data Subject</b>	The identified or Identifiable Natural Person to whom Personal Data relates.
<b>Group</b>	Any group of entities that are related to each other by virtue of being subsidiaries of the same holding company or subsidiaries of any such subsidiaries.
<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>Personal Data</b>	Any information referring to a Data Subject.

<b>Personal Data Breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise Processed.
<b>Process, processed, processes and processing (and other variants)</b>	<p>Any operation or set of operations, which is performed upon Personal Data, 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 Data with the aim of limiting Processing of it in the future), erasure or destruction, but excluding operations or sets of operations performed on Personal Data 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>	Any person who Processes Personal Data on behalf of a Controller.
<b>Recipient</b>	Any person to whom Personal Data is disclosed, whether a Third Party or not; however, authorities which may receive Personal Data in the framework of a particular inquiry shall not be regarded as recipients.
<b>Special Categories of Personal Data</b>	It means (a) Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs; (b) Genetic Data, Biometric Data for the purpose of uniquely identifying a natural person, Data Concerning Health or data concerning a natural person's sex life or sexual orientation; and (c) Personal Data relating to criminal convictions and offences or related security measures.
<b>Sub-processor</b>	A processor appointed by the Processor in accordance with the ADGM Data Protection Law
<b>Third Party</b>	<p>Any person authorised to process Personal Data other than the:</p> <ul style="list-style-type: none"> <li>(a) the Data Subject;</li> <li>(b) the Controller;</li> <li>(c) Joint Controller;</li> <li>(d) the Processor; or</li> <li>(e) Sub-processor</li> </ul>

## 2. TO WHOSE PERSONAL DATA DOES THIS NOTICE APPLY

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

## 3. PERSONAL DATA WE COLLECT

We collect certain Personal Data in the course of providing and receiving products or services. We may collect the Personal Data 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;
- **Corporate information:** If you are a body corporate, we may collect your legal entity name, company registration number (or comparable number issued by a government), proof of legal formation (Articles, Memorandum or Certificate of Incorporation), and personal identification information for all material beneficial owners;
- **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.
- **Correspondence:** Information provided to our support services team such as, responses, feedback, information provided to market services support/research team; etc.
- **Automatic Collection of Information:** When you visit our website, we may collect certain information automatically. This information may include your Internet protocol (IP) address, user settings, MAC address, cookie identifiers, mobile carrier, mobile advertising and other unique identifiers, details about your browser, operating system or device, location information, Internet service provider etc.

## 4. WHERE WE COLLECT PERSONAL DATA FROM

This Notice applies when we collect individuals' Personal Data from third parties or when we collect it directly from the individual. We may collect Personal Data 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 Data about individuals from our searches of third-party sources such as the press, online publications, corporate registers, sanctions lists, and databases of PEP for KYC and AML purposes.

## **5. HOW AND WHY WE USE PERSONAL DATA**

We use the Personal Data 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.

## **6. THE LEGAL BASES UPON WHICH WE PROCESS PERSONAL DATA**

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

- Where we have your specific written consent;

- When performing a legal obligation to which we are subject, which may include certain legal or regulatory requirements such as the requirement to record certain telephone lines;
- When performing our obligations, or exercising our rights, under our contracts with customers, suppliers and agents;
- When performing a task in the public interest, for example where we are carrying out our verification processes in relation to the prevention of fraud, money laundering, terrorist financing, bribery and corruption and to prevent the provision of financial and other services to persons who may be subject to economic or trade sanctions; or
- When it is necessary to protect the vital interests of a Data Subject or another person where the Data Subject is incapable of giving consent;
- When pursuing our legitimate interests and those of third parties. A legitimate interest will apply only where we consider that it is not outweighed by an individual's interests or rights, which require protection of their Personal Data.

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 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 Data, they should contact by email using [SMBCNikkoADGMPPrivacyOffice@smbcnikko-cm.com](mailto:SMBCNikkoADGMPPrivacyOffice@smbcnikko-cm.com) or by telephone on +971 2236 3601.

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 Data. In these circumstances, we will process Personal Data 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 Data 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 Data will be.

## 7. MARKETING COMMUNICATIONS

We will keep our customers up-to-date with details of our services by email / post, etc. using the Personal Data that individuals have supplied, or which we have obtained about them. Individuals can opt out of, or object to receiving marketing by contacting email using [SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com](mailto:SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com) or by telephone on +971 2236 3601 or by using the opt-out mechanism set out in the marketing communications.

Additionally, we will ensure that any outside 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 Data, and to use it only to provide the services we have asked them to perform.

## 8. WHO WE SHARE PERSONAL DATA ABOUT INDIVIDUALS WITH

We will disclose Personal Data 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 clients, suppliers and agents, for internal reporting and compliance purposes, where those group companies provide services to us. In some cases, we may share your Personal Data 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 Data may act as a data controller in respect of your Personal Data. 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 ADGM Branch 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 Data;
- 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 ADGM Branch 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 ADGM 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.

## 9. WHERE WE HOLD PERSONAL DATA

We may transfer and maintain the Personal Data of individuals covered by this Notice on servers or databases outside the ADGM, in particular to SMFG Group companies. We may need to transfer information in this manner in the performance of our contract with you, to fulfil a legal obligation or in the pursuit of legitimate business interests. 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 countries **outside the ADGM**, to which SMBC ADGM Branch sends individuals' data are:

- United Arab Emirates (including within the UAE, SMFG company offices, in Dubai and/or DIFC)
- United Kingdom

These countries may not have the equivalent level of data protection laws as in the ADGM. Where we transfer your Personal Data outside the ADGM, we will use, share, and safeguard that Personal Data as described in this Notice. We only transfer Personal Data to these countries where there is an adequacy decision by the ADGM Commissioner of Data Protection or subject to appropriate safeguards that assure your Personal Data is protected and safeguarded once it leaves the ADGM, such as ADGM Commissioner of Data Protection approved standard contractual clauses. We will also ensure that your information is only shared with those who possess the right to see it. If you would like to obtain the details of such safeguards, you can request these by contacting the email address [SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com](mailto:SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com) or by telephone on +971 2236 3601

## 10. HOW LONG WE WILL STORE PERSONAL DATA FOR

We will retain the Personal Data 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 Data was obtained and/or whether additional legal/regulatory obligations mandate that we retain the personal data. In general terms, this will mean that Personal Data 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 Data 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.

## 11. HOW WE PROTECT YOUR DATA

SMBC ADGM Branch takes the security of your data seriously. SMBC ADGM Branch has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused, or disclosed, and is not accessed except by our staff or SMFG staff in the performance of their duties.

Where SMBC ADGM Branch engages third parties to process personal data on its behalf, we do so on the basis of written instructions, ensuring the third party is under a duty of confidentiality and is obliged to implement appropriate technical and organizational measures to ensure the security of data as has been explained earlier in this Notice.

Where necessary, we employ measures such as encryption, anonymization, and other security methods in order to ensure that your data is protected in our dealings with third parties.

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

Individuals will have certain rights in relation to their Personal Data. 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 [SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com](mailto:SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com) 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 Data and, if we are, they can request access to their Personal Data. This enables them to receive a copy of the Personal Data 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 <a href="mailto:SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com">SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com</a> or on +971 2236 3601. This includes your right to withdraw consent to us using your personal information for marketing purposes. Although if you do so, it does not mean that anything we have done with your personal information with your consent up to that point is unlawful. 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 Data 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 Data in certain circumstances. There are also certain exceptions where we may refuse a request for erasure, for example, where the Personal Data is required for compliance with law, or in connection with claims.
<b>Objection</b>	Where we are processing Personal Data based on legitimate interests (or those of a Third Party), an individual may challenge this. However, we may be entitled to continue processing Personal Data 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 Data for direct marketing purposes (i.e., if you no longer want to be contacted with potential opportunities).
<b>Portability</b>	Individuals are entitled to request the transfer of their Personal Data to another Third Party in limited circumstances, where technically feasible. For example, if you decide to switch to a new provider, this enables you to move, copy or transfer your information easily between our IT systems and theirs safely and securely, without affecting its usability.
<b>Restriction</b>	Individuals are entitled to ask us to restrict the processing of their Personal Data, for example if they want us to establish its accuracy or the reason for processing it. You have rights to 'block' or suppress further use of your information. When processing is restricted, we can still store your information, but may not use it further. We keep lists of people who have asked for no further use of their information to be 'blocked' to make sure the restriction is respected in future.



<b>Non-discrimination</b>	Individuals are entitled to not be discriminated against where such individuals exercise their rights under the ADGM 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 ADGM Commissioner of Data Protection.

Note: your right of access can be exercised in accordance with ADGM Data Protection Laws and other applicable laws. There are circumstances where we may not be able to comply with your request, such as where we have a legal duty to retain Personal Data, or where access to Personal Data would prejudice the proper function of our statutory duties.

### Changes to this Notice

This Notice may be amended by SMBC ADGM Branch 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 [SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com](mailto:SMBCNikkoADGMPrivacyOffice@smbcnikko-cm.com) or on +971 2236 3601