

SMBC DIFC Branch – Dubai

Data Privacy Notice for Customers, Suppliers and Agents

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 (DIFC Branch – Dubai) (“**we**”, “**our**”, “**us**” or “**SMBC DIFC Branch**”), as data controller, will collect and use personal data.

In all cases, any complaints and requests to exercise data subject rights should be sent to SMBCDubaiPrivacyOffice@ae.smbcgroup.com

2. Definitions

Applicable data protection legislation

All the applicable data protection and privacy laws and guidance, including the DIFC Data Protection Law 2007 (as amended by the DIFC Law No. 1 of 2018) and the EU General Data Protection Regulation (2016/679) (“**GDPR**”).

Data

Any information, which:

- a. is being processed by means of equipment operating automatically in response to instructions given for that purpose;
- b. is recorded with the intention that it should be processed by means of such equipment; or
- c. is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.

Data controller

Any person in the DIFC who, alone or jointly with others, determines the purposes and means of the processing of personal data.

Data processor

Any person who processes personal data on behalf of a data controller.

Data subject

The individual to whom personal data relates.

Identifiable natural person

Any natural living person who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his biological, physical, biometric, physiological,

mental, economic, cultural or social identity.

Personal data

Any information relating to an identified or identifiable natural person.

Process, processed, processes and processing

Any operation or set of operations, which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.

Recipient

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.

Relevant filing system

Any set of information relating to an identifiable natural person to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible.

Sensitive personal data

Personal Data revealing or concerning (directly or indirectly) racial or ethnic origin, communal origin, political affiliations or opinions, religious or philosophical beliefs, criminal record, trade-union membership and health or sex life.

Special category data

Any personal data revealing or concerning (directly or indirectly) racial or ethnic origin, communal origin, political affiliations or opinions, religious or philosophical beliefs, trade union membership, and the processing of 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.

Third party

Any person other than the data subject, the data controller, the data processor and the persons who, under the direct control of the data controller or the data processor, is authorised to process the personal data.

3. 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 DIFC Branch provides, or from whom SMBC DIFC Branch receives any product or service, and/or with whom SMBC DIFC 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.

4. 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 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 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 customers, suppliers and agents;
- 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.

6. 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 with corporate customers, suppliers and agents, for example, to communicate about the goods and services we provide to customers or we receive from 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;
- Sending communications by various methods, such as mail, e-mail, telephone, fax and other channels;
- Maintaining and building upon relationships with customers, 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 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 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 with 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 SMBCDubaiPrivacyOffice@ae.smbcgroup.com.

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.

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.

8. 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 SMBCDubaiPrivacyOffice@ae.smbcgroup.com.

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.

9. Who we share personal data about individuals with

We will disclose personal data of individuals as follows:

- To our affiliated SMFG Group companies for the purposes as set out in this Notice;
- 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 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 DIFC 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 DIFC 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 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 data

We may transfer and maintain the personal information of individuals covered by this Notice on servers or databases outside the DIFC, in particular to SMFG Group companies. 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 DIFC, to which SMBC DIFC Branch sends individuals' data are: Bahrain, Belgium, Czech Republic, Egypt, France, Germany, Ireland, Italy, Japan, Kuwait, the Netherlands, Qatar, Russia, Saudi Arabia, South Africa, Spain, Turkey, the United Arab Emirates, the United Kingdom and the United States.

These countries may not have the equivalent level of data protection laws as in the DIFC. Where we transfer your personal data outside the DIFC, 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 DIFC

Commissioner of Data Protection and European Commission or subject to appropriate safeguards that assure your personal data is protected and safeguarded once it leaves the DIFC, such as European Commission approved standard contractual clauses. If you would like to obtain the details of such safeguards, you can request these by contacting SMBCDubaiPrivacyOffice@ae.smbcgroup.com.

11. 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 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.

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 SMBCDubaiPrivacyOffice@ae.smbcgroup.com and provide sufficient information to allow us to understand the scope of the request.

Access

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.

Automated decisions

Individuals are entitled 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.

Consent

If our processing is based on consent, individuals can withdraw their consent at any time by contacting SMBCDubaiPrivacyOffice@ae.smbcgroup.com. This will not affect the lawfulness of processing based on consent before such withdrawal.

Correction

Individuals are entitled to request that any incomplete or inaccurate personal data we hold about them be corrected.

Erasure

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.

Objection

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.

Portability

Individuals are entitled to request the transfer of their personal data to another third party in limited circumstances.

Restriction

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.

Supervisory Authority

Individuals also have the right to lodge a complaint with the DIFC Commissioner of Data Protection and also, where applicable, with a supervisory authority in the Member State in the European Union where they are habitually resident, where they work or where an alleged infringement of the applicable data protection legislation has taken place.

Changes to this Notice

This Notice may be amended by SMBC DIFC 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

smbcdubaiprivacyoffice@ae.smbcgroup.com.