DATA PRIVACY NOTICE FOR CUSTOMERS, SUPPLIERS AND AGENTS

Effective Date: 22 July 2020 **Version no:** 2.0

1. THIS NOTICE

1.1 Companies issuing this Notice

Sumitomo Mitsui Banking Corporation Brussels Branch, Neo Building, Rue Montoyer 51, Box 6, 1000 Brussels, Belgium and registered with Crossroad Bank for Enterprises in Brussels under number 0413.172.884 ("we", "our", "us" or "SMFG") respects an individual's privacy and complies with all applicable privacy regulation in Belgium. This Notice sets out how we, as data controller, will collect and use personal data.

As explained in more detail below, in some cases we may share your personal data with other SMFG Group companies. This happens, in particular, where your organisation holds a product or service with other SMFG Group companies or provide 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.

A list of the SMFG Group companies established in the EU, as well as their privacy policies, can be found here: www.smbcgroup.com/emea/privacy

In all cases, any complaints and requests to exercise data subject rights should be addressed to the **Data Protection Contact Person** in email at dataprotection@be.smbcgroup.com or in writing at **Data Protection Contact Person,** SMFG Brussels, Neo Building, Rue Montoyer 51, Box 6, 1000 Brussels, Belgium.

1.2 In this Notice:

- "**Data Protection Legislation**" means all the applicable data privacy laws and guidance, including the EU General Data Protection Regulation (2016/679) ("GDPR") and any applicable local regulation.
- "**Personal data**" means any information relating to an identified or identifiable natural person.
- "**Special category data**" means any personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or 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 or sexual orientation.

2 OUR APPROACH

2.1 To whose personal data does this Notice apply?

This Notice describes our practices when using personal data of individuals in the context of relationships with current/former/future Customers with whom we have/had/will have a direct relationship. This includes, for example, the personal data of the directors, officers, board members, staff members, intermediate and ultimate beneficial owners or shareholders of our Customers.

This Notice is applicable as well to individuals with whom we do not have a direct relationship. This may happen, for instance, when our Customers or any party to whom SMFG provides or from whom SMFG receives any product or service and/or with whom SMFG enters into any transaction provides us with personal data of individuals related to our Customers in the due course of providing banking and/or investment services to our Customers. This could be the case when it concerns for example:

- Suppliers;
- Agents;

- Co-borrowers/Guarantors;
- Beneficiaries;
- Individuals authorised to act on behalf of our Customers;
- Landlords;
- Intermediate and ultimate beneficial owners;
- Commercial Partners;
- Directors and Board members;
- Officers;
- Staff members;
- Shareholders.

2.2 Personal data we collect

We collect certain personal data in the course of providing 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 information can include:

- **Contact information** we use to communicate with Customers, 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/Combating the Financing of Terrorism (AML/CFT) and other "Know Your Client" (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, information to assist us to determine whether the individual is a Politically Exposed Person(s) (PEP or PEPs) and information about criminal convictions and national identification number (only if we are authorised to use this information under the applicable Data Protection Legislation). This may extend to information about past employment and qualifications;
- **Website Information** that is captured in our web logs such as device information, unique identification numbers (such as an IP address or device ID), browser information (e.g. URL, browser type, pages visited, date/time of access). We may use cookies to capture information on users of our websites, in which case you will find detailed information regarding our use of such cookies in the cookie policy made available on our website;
- **Communications information** including communications by email or other means of electronic communications, telephone or post in the course of communicating with and providing services to Customers and 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, their business requirements, and what types of products and services may be of interest to Customers.

2.3 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 or Suppliers;
- Third party referrals;
- Checking and verification processes such as due diligence checks;
- Social media sites such as LinkedIn and other public internet sites;
- 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/CFT purposes.

2.4 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, corporate customers, suppliers and agents, for example, to communicate about the goods and services we receive from SMFG Group companies or suppliers;
- Verifying identity, checking transactions for AML/CFT 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/CFT/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 clients 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 client;
- Sending communications by various methods, such as mail, email, 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 for the legitimate purposes of the business, business planning and database management;
- Event management including inviting individuals to events;
- Enabling individuals to access online accounts on behalf of Customers;

- Internal analysis and research to help us develop and improve our services to Customers and to better service their accounts;

- Maintenance of our systems, resolving issues and complaints internally as soon as possible to enable us to deliver high standards of service;

- Compliance with contractual, legal and regulatory obligations, fraud and theft prevention or investigation, or other risk management purposes;

- Providing individuals acting on behalf of Customers with more choices or information about products and services which may be of interest to our Customers.

We justify our processing of personal data on the following legal bases:

- 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 or other means of electronic communications;

- Performing our obligations under our contracts with Customers;

- 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;

- 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:

- The improvement and management of relationships within the SMFG Group, clients, suppliers and agents;

- Our compliance with our regulatory requirements and improving the overall performance of the business;

- The conduct of internal audits for the legitimate purposes of managing our business;

- Administering the website, investigating any complaints, providing customer service and improving the performance and user experience of our website;

- Obtaining professional (including legal) advice to protect our business and our brand;

- The sending of communications including marketing or other communications about products or services, where this is necessary to promote our services to Customers;

- Taking steps to manage 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 and our Customers.

If an individual requires further information regarding our legitimate interests as applied to their personal data, they may use the contact details set out on page 1 of this Notice.

We will never process any special category data except where there is an alternative legal basis we can rely on under Data Protection Legislation, such as in the case of AML/CFT, KYC and PEP checks and related actions.

In certain circumstances, where an individual does not provide personal data which is required (for example, for us to carry out AML/CFT 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.

2.5 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);
- To credit reference and other third party agencies in order to carry out anti-money laundering (AML/CFT), "Know Your Client" (KYC) and Politically Exposed Persons (PEP) checks and comply with legal obligations;
- To third parties who have introduced Customers 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 SMFG Group;
- 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 service or maintain our business contact database and those who support our website;
- To third parties providing services to us such as our professional advisers (e.g. auditors and lawyers);
- To a party representing a Customer (for example, in response to legal process); and
- To competent authorities such as tax authorities, courts, regulators, government agencies and security or police authorities where required or requested by law or where we consider it necessary.

2.6 Where we will hold personal data

We may transfer and maintain the personal information of individuals covered by this Notice on servers or databases outside the European Economic Area (**EEA**), 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 countries **outside the EEA** to which SMFG sends individuals' data are:

- Japan;
- United States.

If we need to transfer personal data outside the EEA to a jurisdiction that may not have adequate level of data protection laws as in the European Union and/or Belgium, we will take steps to make sure your personal data is protected and safeguarded once it leaves the EEA, in particular, the use of Model Clauses approved by the European Commission and permitted under Article 46 of the GDPR. If you would like to obtain the details of such safeguards, you can request these by using the contact details set out on page 1 of this Notice.

2.7 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 parties described under section 2.1 and then for 10 years after the end of the relationship.

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.

2.8 What an individual's rights are in relation to the personal data

An individual will have certain rights in relation to their personal data, such as:

- **Consent**: if our processing is based on consent, an individual can withdraw their consent at any time by contacting our Data Protection Contact Person.
- **Access**: an individual is entitled to ask us if 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.
- **Correction**: an individual is entitled to request that any incomplete or inaccurate personal data we hold about them be corrected.
- **Erasure**: an individual is 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.
- **Restriction**: an individual is entitled to ask us to suspend the processing of their personal data, for example if they want us to establish its accuracy or the reason for processing it.
- **Transfer**: an individual is entitled to request the transfer of their personal data to another third party in limited circumstances.
- **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.
- **Automated decisions**: an individual is entitled to contest any automated decision made about them where this has a legal or similarly significant effect and ask for it to be reconsidered.
- **Supervisory Authority**: an individual also has a right to lodge a complaint with a supervisory authority, in particular in the Member State in the European Union where they are habitually resident, where they work or where an alleged infringement of Data Protection Legislation has taken place.

If an individual would like to exercise, or discuss, any of these rights, they should submit their request to our Data Protection Contact Person in email or writing and provide sufficient information to allow us to understand the scope of the request.

Some of these rights will not apply in certain circumstances, such as the exception foreseen in the Law of 18 September 2017 on the prevention of money laundering and terrorist financing and the restriction on the use of cash. This law provides that data subjects do NOT have a right (i) to access, rectification, erasure, objection or data portability or (ii) not to be subject to profiling or (iii) to be notified of a data

breach. It does however provide for a limited right of access via the national data protection authority. This means that if a data subject wants to access his/her data collected in the context of prevention of money laundering and terrorist financing, it must address a request to the data protection authority. This authority will then verify the processing and inform the data subject on the lawfulness of the processing. The data subject cannot get access to the data as such.

PART A – HOW TO CONTACT US

Companies listed below will have access to personal data on individuals covered by this Notice. However, only those data controllers who receive or provide relevant services from customers, suppliers or agents will have access to relevant data of individuals.

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 the relevant address below.

Alternatively, our Privacy Office can be contacted at: dataprotection@be.smbcgroup.com.

SMFG **Companies covered by this Notice**	**Address**	**Telephone**
Brussels Branch	Neo Building, Rue Montoyer 51, Box 6, 1000 Brussels, Belgium	+32 (0)2 551 50 00