

## DATA PRIVACY NOTICE FOR CUSTOMERS, SUPPLIERS AND AGENTS

Effective Date: 22 July 2020 Version no: 2.0

### THIS NOTICE

#### Companies issuing this Notice

SMBC Bank EU AG, Neue Mainzer Straße 52-58, 60311 Frankfurt am Main, Germany and the companies listed in Part A of this Notice, (“we”, “our”, “us” or “SMBC”) respects an individual's privacy and complies with applicable privacy laws in jurisdictions in which we provide and receive services. 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 SMBC Group companies**. This happens, in particular, where your organisation holds a product or service with other SMBC Group companies or provide services to them. When this happens, the SMBC 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 SMBC Group company will apply.

A list of the SMBC Group companies established in the EU, as well as their privacy policies, can be found here: [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 addressed to the Data Protection Officer whose contact details are [DEFPrivacyOffice@de.smbcgroup.com](mailto:DEFPrivacyOffice@de.smbcgroup.com).

#### 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, in Germany, the Bundesdatenschutzgesetz (BDSG) and any other applicable local laws.
- **"Personal data"** means any information relating to an identified or identifiable living 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.

#### 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 provides or from whom SMBC receives any product or service and/or with whom SMBC enters into any transaction. This includes, for example, the personal data of the directors, officers, board members, staff members or shareholders of our corporate customers.

#### Personal data we collect

We collect certain personal data when providing our products and services to data subjects, and when data subjects receive them. 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, 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 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 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 and national identification number (only if we are authorised to use this information under the applicable 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, where permitted and in accordance with Data Protection Legislation.
- **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). This may also include information captured by any cookies and information captured on users of the website.
- **Communications information** including communications by email, telephone or post in the course of communicating with customers, suppliers and agents and providing services to customers and including recordings of telephone calls, where permitted and in accordance with Data Protection Legislation.
- **Account access information** where we provide on-line account access, log-in and similar credentials, and information about use of such access.
- **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.

### 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.
- Third party referrals.
- Checking and verification processes such as due diligence checks.
- Social media sites such as LinkedIn and other professional or business-related public internet sites.
- Credit reference agencies, insurance information bureaux 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 PEPs for KYC and AML purposes.

### 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 SMBC Group, corporate customers, suppliers and agents, for example, to communicate about the goods and services we receive from SMBC Group companies 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 regulatory requirements applicable to SMBC.
- 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 SMBC Group companies to perform their obligations under the contracts that they have in place with each other.
- Assisting and enabling SMBC Group companies to fulfil a transaction or provide a service initiated by a customer.
- Sending communications by various methods, such as mail, email, telephone, fax and other channels.
- Maintaining and building upon relationships with clients, with SMBC 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; business planning and database management.
- Event management including inviting individuals to events.
- Enabling individuals to access online accounts on behalf of customers.
- Internal product analysis and market 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, detection or investigation, or other security, crime prevention or risk management purposes (including but not limited to our obligations arising from the Markets in Financial Instruments Directive 2014/65/EU and other banking regulatory provisions).
- 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 pursuant to Art. 6 of the GDPR:

- 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.
- Performing our obligations or exercising our rights, under our contracts with customers, suppliers and agents.

- Performing a task in the public interest, for example where we are carrying out our verification processes in relation to the prevention and detection of:
  - Fraud, money laundering, terrorist financing, bribery and corruption and other types of financial crime.
  - The provision of financial and other products or 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.
- Where applicable, processing of personal data based on the prior, explicit and valid consent of the respective data subject.

We have determined that our legitimate interests include the following:

- Managing our business and our brand.
- The improvement and management of relationships within the SMBC Group, customers, 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.

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.

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 category data, criminal convictions data and/or national identification number. In these circumstances we will not process any personal data except where you have given us explicit consent or there is an alternative legal basis we can rely on under Data Protection Legislation.

This may also include data about criminal convictions if we are authorised to use this information under applicable local laws. 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.

### **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. We will first

obtain consent if we use contact information where this is required by applicable law. In any event, individuals can opt out of receiving marketing as detailed below.

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.

### **Who we share personal data about individuals with**

We will disclose personal data of individuals as follows:

- Within the SMBC Group for the purposes as set out in this Notice (for example, to manage our and other SMBC 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 and suppliers in order to carry out AML, KYC and PEPs checks and comply with legal obligations.
- To third parties who have introduced customers, suppliers or agents to us, such as our 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.
- 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 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, supplier or agent (for example, in response to 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).
- Subject to applicable law, in the event that SMBC 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.

### **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 SMBC group companies. For example, we may be required to send to SMBC 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 SMBC 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 Germany, 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.

### 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:

- The period required by tax, company and financial services laws and regulations.
- 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.

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

An individual 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 in writing or email to the Data Protection Officer on [DEFPrivacyOffice@de.smbcgroup.com](mailto:DEFPrivacyOffice@de.smbcgroup.com) and provide sufficient information to allow us to understand the scope of the request.

- **Consent:** if our processing is based on consent, an individual can withdraw their consent at any time by contacting Data Protection Officer.
- **Access:** an individual is 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.
- **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.
- **Automated decision-making:** As a rule, we do not make decisions based solely on automated processing as defined in Article 22 GDPR to establish and implement the business relationship. If we use these procedures in individual cases, we will inform you of this separately, provided that this is prescribed by law.

### Changes to this Notice

From time to time, we may change and/or update this Notice. If this Notice changes in any way, we will post an updated version on our website.

If we change anything important about this Notice (the personal data we collect, how we use it or why) we will highlight those changes at the top of the Notice and provide a prominent link to it for a reasonable length of time prior to the change.

We recommend you regularly review this website to ensure that you are always aware of our data practices and any changes. Any changes to this Notice will go into effect on posting to this website.

**PART A – HOW TO CONTACT US**

SMBC group 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 [DEFRPrivacyOffice@de.smbcgroup.com](mailto:DEFRPrivacyOffice@de.smbcgroup.com).

<b>SMFG Companies covered by this Notice</b>	<b>Address</b>	<b>Contact details</b>
SMBC Bank EU AG	Neue Mainzer Straße 52-58, 60311 Frankfurt am Main	<a href="mailto:DEFRPrivacyOffice@de.smbcgroup.com">DEFRPrivacyOffice@de.smbcgroup.com</a> +49 69 22229 8200
SMBC Bank EU AG Düsseldorf Branch	Prinzenallee 7, 40549 Düsseldorf	<a href="mailto:DEFRPrivacyOffice@de.smbcgroup.com">DEFRPrivacyOffice@de.smbcgroup.com</a> +49 (0)211 3619 0