

## 1. Purpose

As of May 25<sup>th</sup> 2018, the General Data Protection Regulation (EU) 2016/679 (GDPR) entered into force, establishing new obligations to Financial Institutions and increasing the level of accountability for organizations processing Personal Data. Concepts include greater transparency for individuals into how and why Personal Data is processed, strengthening of the rights of individuals and the tightening of the permitted use of their data.

## 2. Scope

The concept of Personal Data consists in any information, of any nature, regardless of the respective format, including sound and image, relating to any identified or identifiable natural person. Anyone who may directly or indirectly be identified, namely by reference to an identification number or to one or more specific elements of his physical, psychologic, psychic, economic, cultural or social identity, shall be deemed an identifiable person.

The present policy is applicable to Haitong Bank, S.A. (the "Bank") and all its branches.

## 3. Personal Data Processing

The Personal Data collected is processed in full compliance with the Personal Data protection regulations, and stored in specific data bases created for that purpose. The collected data will under no circumstance be used for any purpose other than the one for which the data subject has given his consent. Notwithstanding, the collected data may be used and processed for the purposes of complying with all the applicable laws and regulations applicable to the Bank or the individual.

### 3.1 Personal Data Collection

Personal Data can be collected from various sources, as follows: i) when it is provided by direct contact, via email, telephone or other means of communication; ii) through the normal course of the relationship between the Bank, their clients and/or counterparts; iii) when the collection of Personal Data is made to be public, including information published in social media; iv) when collection of Personal Data is mandatory by any applicable laws or regulations to which either the Bank or the client and/or counterpart are subject to; v) Personal Data received from duly authorized third parties (e.g. employees, counterparts, credit reference agencies; law enforcement authorities); vi) Personal Data collected when the client and/or counterpart visits any of the Bank's website or uses any features or resources available through the site, since there are certain information that is automatically collected, pursuant to the terms and conditions set forth hereunder.

### 3.2 Personal Data Creation

When opening an account or establishing a business relation, the Bank collects and processes Personal

Data from their clients and counterparts, as well as maintains a record of the interactions between them, according to legal requirements imposed to exercise its activity. The Bank may also process Personal Data for specific purposes, following an express consent by the data subject to that effect.

### **3.3 Relevant and Sensitive Personal Data**

The categories of Personal Data subject to applicable law that the Bank processes are, *inter alia*, the following:

- (a) Personal details, namely: given name(s); preferred name(s); nickname(s), gender; date of birth / age; marital status; Social Security number; passport number(s); other government issued number(s) (tax identification number(s), Green Card number(s); driving license number(s)); nationality; lifestyle and social circumstances; images of passports, driving licenses, and signatures; authentication data (passwords, mother's maiden name, challenge/response questions and answers, PINs, facial and voice recognition data); photographs; visual images; and personal appearance and behavior;
- (b) Family details such as names and contact details of family members and dependents;
- (c) Contact details: address; telephone number; email address; and social media profile details;
- (d) Employment Details: industry, role, business activities, names of current and former employers, work address, work telephone number , email address and work related social media profiles;
- (e) Education Profile that include details of your education and qualifications;
- (f) Financial details: billing address, Bank account numbers, credit card numbers, cardholder or account holder name and details, instruction records, transaction details and counterparty details; and
- (g) Electronic Identifying Data, registered automatically, such as IP addresses, cookies, online identifiers.

### **3.4 Sensitive Personal Data Processing**

The clients' and/or counterparts' Personal Data is only processed for certain determined requirements, such as compliance with legal obligations, when necessary for the detection or prevention of crime and fraud in accordance with the applicable law.

Also, the Personal Data can be processed when the client and/or counterpart manifestly makes the data public or when necessary for the establishment, exercise or defense of the client's and/or counterparts' rights.

According with the applicable law, the Bank has to obtain prior explicit consent prior to processing the client's and/or counterparts' Sensitive Personal Data. This requirement isn't applicable when the Sensitive Personal Data processing is mandatory for legal or regulatory reasons.

## **4. Personal Data Processing**

### **4.1 Usage Data**

Provided that due consent is obtained, the Bank may process data about the client's and/or counterparts' use of the Bank's website and services ("usage data"). This usage data may include the clients and/or counterparts IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. This usage data may be processed for the purposes of analyzing the use of the website and services. The legal basis for this processing is client's and/or counterparts' consent or the Bank's legitimate interests, namely monitoring and improving the Bank's website and services.

### **4.2 Account Data**

The Bank may process the client's account data ("account data"). The account data may include the clients name and email address and all personal information requested on the client onboarding process. The account data may be processed for the purposes of establishing the business relation, providing services, ensuring the security of the website and services, maintaining back-ups of the Bank's databases, communicating with the client and complying with the applicable laws and regulations. The legal basis for this processing may either be (i) the client's consent; (ii) the Bank's legitimate interests in conducting the business relation, or (iii) the compliance with legal obligations.

### **4.3 Service Data**

The Bank may process the client's and/or counterpart's Personal Data that is provided in the course of the use of our services ("service data"). The service data may include name, address, telephone number, email address, profile pictures, gender, date of birth, relationship status, interests and hobbies, educational details and employment details. The service data may be processed for the purposes of establishing the business relation, providing services, ensuring the security of our website and services, maintaining back-ups of databases and communicating with the client and/or counterpart. The legal basis for this processing is client's and/or counterpart's consent or the Bank's legitimate interests in conducting the business relation in compliance with applicable law.

### **4.4 Transaction Data**

The Bank may process information relating to transactions, including purchases of goods and services, that you enter into with the Bank ("transaction data"). The transaction data may include the client's and/or counterparts' contact details, and the transaction details, in order to assure the legal requirements imposed by applicable law. The transaction data may be processed for the purpose of supplying the purchased goods and services and keeping proper records of those transactions. The legal basis for this processing may either be (i) the client's and/or counterpart's consent; (ii) the Bank's legitimate interests in conducting the business relation, or (iii) the compliance with legal obligations.

#### 4.5 Notification Data

The Bank may process information provided for the purpose of subscribing email notifications and/or newsletters ("notification data"). The notification data may be processed for the purposes of sending the relevant notifications and/or newsletters. The legal basis for this processing is client's and/or counterparts' consent or the performance of a contract between the client and/or counterpart and the Bank and/or taking steps, at the client's and/or counterpart's request, to enter into such a contract.

#### 4.6 Correspondence Data

The Bank may process information contained in or relating to any communication that the client and/or counterpart sends ("correspondence data"). The correspondence data may include the communication content and metadata associated therewith. The correspondence data may be processed for the purposes of communicating with the client and/or counterpart and for record-keeping purposes in accordance with the applicable laws. The legal basis for this processing may either be (i) the Bank's legitimate interests in conducting the business relation, or (ii) the compliance with legal obligations.

### 5. Purposes of Personal Data Processing

The purposes for Personal Data processing by the Bank may be related with: (i) compliance with legal obligations; (ii) any contracts that the client and/or counterpart may enter into with the Bank and any acts in relation therewith; (iii) the Bank's legitimate interest. Pursuant to such purposes and provided that consent is duly obtained when necessary, the Bank may process the client's and/or counterpart's Personal Data

(a) Client onboarding:

There are legal and regulatory obligations as well as internal policies and procedures that require the Bank to process Personal Data when dealing with the client's onboarding.

(b) AML/KYC

Fulfilling regulatory and compliance obligations including Know Your Client checks, confirming and verifying the client's identity, clients database screening against government, supranational bodies and law enforcement agency lists, and other legal restrictions.

(c) Financial Due Diligence:

The Bank can process the clients' Personal Data in order to financial due diligence.

(d) Services and Products:

The Bank can use Personal Data in order to communicate with the client and/or counterpart regarding the provision of products and services, managing business relationships and related services and to perform the tasks necessary to the provision of the requested services.

(e) Marketing:

The Bank can use Personal Data in order to communicate with the client and/or counterpart by any

means, including email, telephone, text message and social media, ensuring that such communications are provided to the client and/or counterpart in compliance with the applicable law.

(f) IT Operations:

Management of the Banks' communications systems, operation of IT security and IT security audits. The purpose is to ensure the security of those IT systems.

(g) Health and safety

Health and safety assessments and respective record keeping and compliance with related legal obligations, in order to guarantee a safe and secure environment at the Bank's premises.

(h) Financial Management:

Sales, finance, corporate audit and vendor management, for the purposes of operating the financial affairs of the Bank's clients and/or counterparts.

(i) Research:

Conducting market or customer satisfaction research and engaging with the client and/or counterpart for purpose of obtaining the client's and/or counterpart's views and opinions about the Banks products and services.

(j) Security:

Physical security of the Bank's premises, including record of visits and CCTV recordings, and electronic security, such as login records and access details when accessing the Bank's electronic systems.

(k) Investigation:

Detecting, investigating and preventing breaches of the Policy and criminal offenses, in accordance with the applicable law.

(l) Legal Compliance and proceedings:

Compliance with legal and regulatory obligations under applicable law and establishing, exercising and defending legal rights.

(m) Risk Management:

Audit and compliance controls and other risk management purposes

(n) Fraud Prevention:

Detecting, preventing and investigating fraud.

## **6. Provision of Personal Data to third parties**

The Bank may disclose client's and/or counterpart's Personal Data to any member of our group of companies (this means subsidiaries and, subject only to prior consent from the data subjects, the Bank's ultimate holding company and all its subsidiaries) insofar as reasonably necessary for the purposes, and on the legal basis, set out in this policy.

The Bank may disclose the client's and/or counterpart's Personal Data to insurers and/or professional advisers insofar as reasonably necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, obtaining professional advice, or the establishment, exercise or defense of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

Without prejudice of the legal requirements set forth under the applicable laws for this purposes, the Bank may disclose specific Personal Data category or categories to suppliers or subcontractors insofar as reasonably necessary for the continuity of the business relationship.

Financial transactions relating to the Bank's activities are handled by payment services providers. Without prejudice of the applicable payment services laws and regulations applicable from time to time that may require the Bank to provide Personal Data to an authorized third party, the Bank will share transaction data with payment services providers only to the extent necessary for the purposes of processing payments, refunding such payments and dealing with complaints and queries relating to such payments and refunds.

The Bank may disclose the client's and/or counterpart's enquiry data to one or more of those selected third party suppliers of goods and services identified for the purposes of enabling them to contact the client and/or counterpart so that they can offer, market and sell to you relevant goods and/or services. Each such third party will act as a data processor in relation to the enquiry data that the Bank supply to it; and upon contacting the client and/or counterpart, each such third party will supply to the client and/or counterpart a copy of its own privacy policy, which will govern that third party's use of the client's and/or counterpart's Personal Data.

## **7. International Transfer of Personal Data**

Due to the international nature of the Bank's activities, the Bank may need to transfer client's and/or counterpart's Personal Data within Haitong Bank Group and to third parties.

There may be subcontractors situated in foreign countries. The European Commission has made an "adequacy decision" with respect to the data protection laws of each of these countries. Transfers to those countries will be protected by appropriate safeguards, namely the use of standard data protection clauses adopted or approved by the European Commission.

## 8. Data Security

The Bank has implemented appropriate technical and organizational security measures designed to protect the client's and/or counterpart's Personal Data against accidental or unlawful destruction, loss, alteration, unauthorized disclosure, unauthorized access, and other unlawful or unauthorized forms of processing, in accordance with applicable law.

The client and/or counterpart is responsible for ensuring that any Personal Data sent to the Bank is made by secure means.

## 9. Data Accuracy and Minimization

The Bank shall take the reasonable steps designed to ensure that client's and/or counterpart's Personal Data is processed accurately and, where necessary, kept up to date. If any of the client's and/or counterpart's Personal Data is inaccurate (for the purposes for which it is processed), the Bank shall erase it or rectify it without delay.

Periodically, and in accordance with legal and regulatory requirements, the Bank may ask the client and/or counterpart to confirm the accuracy of his Personal Data.

The Bank takes the necessary measures to ensure that client's and/or counterpart's Personal Data processing is limited to the reasonably required in connection with the purposes set out in this Policy.

## 10. Data Retention

Without prejudice of any applicable laws and regulations that may impose different retention periods, the Bank takes the reasonable steps to ensure that the client's and/or counterpart's Personal Data is only Processed for the minimum period necessary for the purposes set out under this Policy. The criteria for determining the duration for which the Bank will retain the client's and/or counterpart's Personal Data are as follows:

- (1) The Bank will retain copies of client's and/or counterpart's Personal Data for as long as: the Bank maintains an ongoing relationship with you (e.g., where the client and/or counterpart is a recipient of the Bank's services, or the client and/or counterpart is lawfully included in mailing lists and has not unsubscribed); or the Personal Data is necessary in connection with the lawful purposes set out in this Policy or any applicable law or regulation (e.g., where Personal Data is included in a contract between the Bank and the client's and/or counterpart's employer, and the Bank has a legitimate interest in processing such data for the purposes of operating the business and fulfilling obligations under that contract; or where the Bank has a legal obligation to retain the client's and/or counterpart's Personal Data);
- (2) After the termination of the business relationship between the Bank and the client and/or counterpart, the Bank shall retain the required Personal Data for the purposes set out under the applicable laws and regulations. Furthermore, the Bank shall also retain for the legally admissible

period, at its sole discretion based on a risk approach method, the Personal Data and other elements pertaining to the prior business relationship with the former client and/or counterpart for the safeguard of its legitimate interests, notably, but not limited to, any claims, legal or regulatory procedures that may be addressed at the Bank, or that the Bank may address to the former client and/or counterpart or any related third-party..

- (3) Additionally, if any relevant claims, legal or regulatory procedures are brought, the Bank may continue to process the client's and/or counterpart's Personal Data for additional periods as necessary in connection with such procedures.

During the periods above mentioned, the Bank will restrict the Processing of client's and/or counterpart's Personal Data to storage of, and maintaining the security of, such data, except to the extent that such data needs to be reviewed or accessed in connection with any claims, legal or regulatory procedures or any other obligations under applicable laws and regulations.

Once the retention purposes mentioned in (1) to (3) above cease to be applicable, the Bank shall either:

- (1) Permanently delete or destroy the relevant Personal Data
- (2) Archive client's and/or counterpart's Personal Data so that is beyond use
- (3) Anonymize the relevant Personal Data

## **11. Client's and/or Counterpart's Legal Rights**

According to the applicable laws and regulations, the client and/or counterpart has a number of rights regarding the processing of Personal Data, including:

- (a) the right to access;
- (b) the right to rectification;
- (c) the right to erasure;
- (d) the right to restrict processing;
- (e) the right to object to processing;
- (f) the right to data portability;
- (g) the right to complain to a supervisory authority; and
- (h) the right to withdraw consent.

The client and/or counterpart has the right to confirmation as to whether or not the Bank can process Personal Data and, where the Bank does, access the Personal Data, together with certain additional information. That additional information includes details regarding the purposes of the processing, the categories of Personal Data concerned and the recipients of the Personal Data, as well as the individuals that have, or may have, access to such Personal Data. Provided that no third-party's rights are affected, the Bank will supply a copy of the client's and/or counterpart's Personal Data should the client and/or

counterpart requests so.

The client and/or counterpart has the right to have any inaccurate Personal Data rectified and, taking into account the purposes of the processing, to have any incomplete Personal Data dully completed.

Notwithstanding the exceptions provided hereunder, the client and/or counterpart has the right to the erasure of their Personal Data without undue delay. Those circumstances include, but are not limited to, the following:

- (a) the Personal Data is no longer necessary in light of the purposes for which they were collected or otherwise processed;
- (b) the client and/or counterpart withdraws consent to consent-based processing;
- (c) the client and/or counterpart objects to the processing under certain rules of applicable data protection law;
- (d) the processing is for direct marketing purposes; and
- (e) the Personal Data has been unlawfully processed.

However, there are exclusions to the right to erasure, notably (i) where processing and data retention is necessary for exercising the Bank's legitimate rights; (ii) for compliance with legal obligations; or (iii) for the establishment, exercise or defense of legal claims.

In some circumstances the client and/or counterpart has the right to restrict the processing of their Personal Data. Those circumstances are:

- (a) the client and/or counterpart contests the accuracy of the Personal Data;
- (b) the processing is unlawful but the client and/or counterpart opposes erasure;
- (c) the Bank no longer needs the Personal Data for the purposes of processing, but the client and/or counterpart requires Personal Data for the establishment, exercise or defense of legal claims; and
- (d) the client and/or counterpart has objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, the Bank may continue to store client's and/or counterpart's Personal Data. However, the Bank will only otherwise process it with the client's and/or counterpart's consent for the establishment, exercise or defense of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.

The client and/or counterpart has the right to object to processing of their Personal Data on grounds relating to particular situations, but only to the extent that the legal basis for the processing is that the processing is necessary for:

- (a) the performance of a task carried out in the public interest;
- (b) the exercise of any official authority vested in us;
- (c) the purposes of the legitimate interests pursued by the Bank or by a third party.

If the client and/or counterpart makes such an objection, the Bank will cease to process the Personal

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Data unless it can demonstrate compelling legitimate grounds for the processing which override the client's and/or counterpart's interests, rights and freedoms, or the processing is for the establishment, exercise or defense of legal claims.

The client and/or counterpart has the right to object to the processing of Personal Data for direct marketing purposes (including profiling for direct marketing purposes). If the client and/or counterpart makes such an objection, the Bank will cease to process client's and/or counterpart's Personal Data for this purpose.

The client and/or counterpart has the right to object to processing of client's and/or counterpart's Personal Data for scientific or historical research purposes or statistical purposes on grounds relating to your particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

To the extent that the legal basis for our processing of your Personal Data is consent, or that the processing is necessary for the performance of a contract to which you are a party to, or in order to take steps at client's and/or counterpart's request prior to entering into a contract and such processing is carried out by automated means, the client and/or counterpart has the right to receive their Personal Data in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.

To the extent that the legal basis for processing of client's and/or counterpart's personal information is consent, the client and/or counterpart has the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.

## **12. Cookies**

A cookie is a small file that is placed on user device when visiting a website (including the Bank's Sites). It records information about the user device, browser and, in some cases, preferences and browsing habits. The Bank may Process client's and/or counterpart's Personal Data through cookie technology.