



# Data Privacy Notice (FAQ)

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## Data Privacy Notice (FAQ)

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This Data Privacy Notice only applies to and is only addressed to any client who is a natural person.

The following information is intended to provide you, as a natural person, with an overview of how your data is processed by Habib Bank Zurich (Hong Kong) Limited ('HBZ') and your rights according to data privacy laws. The details of what data will be processed and which method will be used depend significantly on the services applied for or agreed upon, and the relevant requirements all the applicable laws and regulations. We therefore ask you to familiarize yourself with this Data Privacy Notice.

### 1 Who is responsible for data processing and how can I contact them?

The legal entity responsible is:

**Habib Bank Zurich (Hong Kong) Limited**

1701-05, Wing On House,  
71, Des Voeux Road,  
Central, Hong Kong.

Our Privacy Officer can be reached at:

Phone: +852 29061818/29061819

Post: 1701-05, Wing On House, 17/F, Des Voeux Road, Central, Hong Kong.

### 2 What data is used by HBZ?

HBZ processes data that it receives from its clients and that it generates as part of the business relationship with its clients. In order to facilitate, enable and / or maintain our business relationship, HBZ collects, uses or processes personal data relating to clients and any other person(s) involved in the business relationship, as the case may be, such as authorized representative(s), person(s) holding a power of attorney and beneficial owners, if different from the client (collectively referred to as 'Authorized Person(s)').

Personal data is the personal information of a client or an Authorized Person, identification data and authentication data which exists in a form in which access or processing is practicable. Furthermore, this can also be order data, data from the fulfilment of our contractual obligations, information about a client's or Authorized Person's financial situation, marketing data, sales data and / or documentation data which exists in a form in which access or processing is practicable.

In addition to data that HBZ receives directly from its clients, it also obtains and processes data on its clients that is available in the public domain as necessary or required, or under limited circumstances and client consent, from other entities within the HBZ's Group of companies (the 'HBZ Group').

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In summary, personal data processed by HBZ may include the following if they can be used to identify a particular person:

- personal details (e.g. name, address and other contact data, date and place of birth, as well as nationality)
- identification data (e.g. identification documentation data)
- authentication data (e.g. specimen signature)
- order data (e.g. payment orders)
- data arising from the fulfilment of obligations (e.g. data required for payment transactions)
- information regarding a client's financial situation (e.g. credit reports, scoring / rating data, origin of assets)
- data available from the public domain (e.g. internet, social media, debtor directories, land register, trade association registers, media, etc.)
- other comparable data in line with the criteria outlined above.

### **3 For what purpose and on what legal basis does HBZ use your data?**

#### **3.1 For the fulfilment of contractual obligations**

The processing of your data allows HBZ to provide you with the contractually agreed services or to fulfil legal or regulatory requirements. The purposes of data processing are primarily in compliance with specific banking products (e.g. accounts, loans, financing, deposits, remittance, etc.). Your data will be used, among other purposes, for the analysis of any potential needs, the provision of advice, wealth management, and to support the execution of transactions.

Further details can be found in your contract documents or in the General Terms & Conditions.

#### **3.2 For the safeguarding of interests of HBZ or third parties**

Where required, we process or disclose your data in association with or as derivative to the actual fulfilment of the contract for the purposes of the legitimate interests pursued by us or a proper third party. For example:

- Consulting with credit rating agencies to investigate creditworthiness and credit risks.
- Obtaining personal data from publicly available sources for client profiling purposes.
- Measures for business management and further development of services and products.
- Risk control at HBZ and the banking Group over HBZ, HBZ AG Zurich.
- Asserting legal claims or legal defences in legal disputes.
- Facilitating banking services (i.e. remittance, trade banking services, etc) for the need of clients inevitably through the collaboration or cooperation of other legitimate financial institutions.

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- Guarantee of HBZ Group's IT security and IT operations for the benefit of clients.
- Prevention and investigation of crimes (i.e. money laundering, financing of terrorist, fraud, bribery, corruption, etc.)
- Video surveillance and measures to protect the rights of an owner of premises to keep out trespassers and to provide security (e.g. access controls).
- Fulfilling any reporting obligations to any empowered government authorities/institutions, authorities, regulators and law enforcement agencies.

### 3.3 On the basis of your consent

As long as you have granted us consent to process your personal data for certain purposes (e.g. analysis of trading activities for marketing purposes), this processing/disclosure is legal on the basis of your consent. Consent can be withdrawn at any time. Your consent is not necessary for HBZ to obtain if your data is used/processed/disclosed for the purpose of fulfilling legal or regulatory obligations/requirements or upholding public interest or justice.

Withdrawal of consent does not affect the legality of data processing/use/disclosure prior to withdrawal.

### 3.4 On the basis of statutory requirements or in the public interest

We are subject to various legal obligations, meaning statutory requirements, and regulations applicable to financial institutions. The processing of data is also used, among others, for the verification of creditworthiness as well as identity and age, the prevention of fraud and money laundering, the fulfilment of tax-related monitoring and reporting obligations as well as the assessment and management of risks of HBZ and the HBZ Group.

## 4 Who can access your data?

### 4.1 HBZ Group

We may share your data with other entities in the HBZ Group where required to fulfil our contractual and legal obligations. We may transfer your personal data to other members of the HBZ Group for risk control purposes in connection with statutory / regulatory obligations. We may also share information with other members of the HBZ Group in connection with services that we believe may be of interest to you.

### 4.2 External recipients of data

We will transfer personal data about you in the course of conducting our usual business or if legal, regulatory or market practice requirements demand it to the following external recipients, or for the following purposes:

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- to public entities and institutions (e.g. financial authorities, HKMA, government agencies or law enforcement authorities in Hong Kong or other jurisdictions of governing power on HBZ (i.e. the jurisdiction(s) where HBZ's banking Group is regulated)
- to other credit and financial services institutions or similar institutions to which HBZ transfers personal data within the context of its business relationship with you (e.g. correspondent banks, custodian banks, brokers, stock exchanges, information agencies)
- to third parties (for example correspondent banks, brokers, exchanges, trade repositories, processing units and third party custodians issuers, authorities and their representatives) for the purpose of ensuring that we can meet the requirements of applicable law, contractual provisions, market practices and compliance standards in connection with transactions you enter into and the services that we provide you with, or
- to a natural or legal person, public authority, agency or body for which you have given us your consent to transfer personal data to or for which you have released us from banking confidentiality.

### 4.3 Service providers and agents

We will transfer your personal data to service providers and agents appointed by us for any purposes given in Section 3, Section 4.1 or Section 4.2 above, subject to maintaining banking confidentiality. These are companies in the categories including but not limited to banking services, IT services, logistics, printing services, telecommunications, collection, advice and consulting and sales and marketing.

HBZ will implement appropriate organizational and technical safeguards to protect the personal data for which it acts as data controller at all times.

## 5 Does HBZ transfer data across borders?

Data transfer to legal entities in countries outside of Hong Kong takes place so long as:

- it is necessary to administer the working relationship with you or provide sound banking services to you as long as it is within the HBZ's banking group;
- if we have a legitimate interest in doing so;
- it is required by laws or regulations applicable to HBZ or HBZ's bank Group, or
- if you have given your consent.

## 6 How long will your data be stored?

We will process and store your information as long as it is necessary in order to fulfil our contractual, regulatory and statutory obligations. It should be noted here that our business relationship is a long-term obligation, which is set up on the basis of periods of years.

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We will assess and respond to requests to delete data. We will delete data provided that the data is no longer required in order to fulfil contractual, regulatory or statutory obligations, or the fulfilment of any obligations to preserve records according to any other applicable laws or regulations.

We will normally retain your records for a minimum 5 to 10 years after the formal termination of the relationship with you to comply with regulatory and contractual requirements unless there is a particular reason to hold records for longer, including legal hold requirements, which require us to keep records for an undefined period of time.<sup>1</sup>

## 7 What are your basic rights?

Your data protection rights include the following:

- **Right of access:** requesting that information on your personal data that HBZ holds on record be shared with you.
- **Right to be notified of the purpose and the classes of persons to whom the data may be transferred**
- **Right to rectification:** demanding that the information be rectified should it be incorrect.
- **Right to restrict processing:** demanding that the processing of your data be restricted if:
  - you have disputed the accuracy of your data stored by HBZ and it has not yet completed its assessment

## 8 What data are you asked to supply?

In the context of your relationship with HBZ, you must provide all personal data that

- is required for accepting and carrying out a business relationship and fulfilling the accompanying contractual obligations or regulatory obligations, and
- HBZ is legally required to collect.

Without this data, HBZ will most likely be unable to enter into a contractual relationship with you.

Under the regulations on combatting money laundering and the financing of terrorism, HBZ is obligated to verify your identity on the basis of your identification documents and other useful documents and, in this context, to collect and store the data including but not limited to your address, nationality, name, date and place of birth, and identification data prior to the commencement of a business relationship. In order for HBZ to comply with these regulations, you are required to supply it with all the necessary information. If such kinds of information change during the course of the business relationship, you are obliged to notify HBZ without delay. If you do not provide HBZ with the necessary information, it will not be able to commence or continue a business relationship with you.

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<sup>1</sup> A legal hold period is a process that an organisation uses to preserve all forms of relevant information when litigation is reasonably anticipated.

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### **9 Is the decision-making automated?**

No. HBZ does not use automated decision-making.

### **10 Will cookies be collected?**

Yes. HBZ does collect cookies.

#### **10.1 What are cookies?**

Cookies are information packages sent by a web server (in this case this website) to your internet browser, saved on your computer and checked by the server on each subsequent visit to the site. To gain full benefit from this website, we recommend that you configure your browsers to accept cookies.

#### **10.2 Why do we use them?**

Cookies are used to facilitate navigation within the website and correct use. They also serve a statistical purpose, making it possible to establish which areas of the site have been visited, and to improve and update user procedures.

#### **10.3 Type of cookies used**

For further information about the types of cookies used please refer to our "Cookies Notice" on our website.

#### **10.4 How should I manage my settings with respect to cookies?**

To optimise your use of our website, we recommend that you accept the cookies. Most internet browsers are initially set to accept cookies. You can at any time set your browser to accept all cookies, just some cookies or no cookies. In the latter case, you would disable use of part of the sites. Additionally, you can set your preferences in the browser so that you will be notified whenever a cookie is saved on your device. Please note that if you disable the cookies, you may not have optimum use of the site.

### **11 Will your data be automatically processed?**

We merely process some of your data automatically to limited extent, with the goal of assessing certain personal aspects (profiling) or meeting regulatory requirements. For example, we may use profiling in the following ways:

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- In order to combat money laundering, the financing of terrorism, and criminal acts, HBZ also conducts data assessment. The aim of these measures is to protect HBZ and your legitimate interests.
- HBZ may choose to sometimes use auxiliary assessment tools to provide clients with relevant and appropriate information on its products and services. These allow communications and services to be tailored, as needed.
- HBZ may choose to use sometimes auxiliary assessment tools in order to be able to specifically notify you and advise you in response to your banking needs. These allow communications and services to be tailored as expected.
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### **12 Will biometric data be used?**

No. HBZ does not collect biometric data or medical records from clients.

### **13 When will be this Privacy Notice (FAQ) be updated?**

This Data Privacy Notice (FAQ) can be adapted or updated at any time in accordance with the corresponding regulations. You may refer to the latest version at <http://hbzhongkong.com/home/pdp.html> from time to time.

### **14 Does HBZ ensure data security?**

Yes, HBZ takes practicable steps required by the laws to safeguard personal data from unauthorized or accidental access, processing, erasure, loss or use.

### **15 How can you contact HBZ?**

Should you have any questions about the treatment/processing of your data, please contact your Relationship Manager or HBZ's Privacy Officer, who will be happy to assist you.