



中國銀行  
BANK OF CHINA

(欧洲) 有限公司都柏林分行  
(EUROPE) S.A. DUBLIN BRANCH

## Bank of China (Europe) S.A.

### PRIVACY POLICY



## 1. WHAT IS THIS PRIVACY POLICY?

This is the privacy policy (the “**Privacy Policy**”) of Bank of China (Europe) S.A – Dublin Branch, having its registered office at Styne House, Hatch Street Upper, Dublin, Ireland , (hereinafter the “**Bank**”).

This Privacy Policy applies to you as visitor, user or client (hereafter globally referred to as the “**Clients**” or when used in singular form, the “**Client**” who will typically be a legal entity (“**Legal Entity**”). Please also provide this Privacy Policy to the current and future authorized representatives and beneficial owners as well as any co-obligor or guarantors, which are included in the above definition of Client for the purposes hereof.

As described under article “7. *HOW LONG WILL THE BANK STORE PERSONAL DATA?*” of this Privacy Policy, the processing of your Personal Data (as defined below) by the Bank will be carried out in accordance with this Privacy Policy as well as all applicable Irish laws and regulations (“**Irish Laws**”) and Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, as amended from time to time as the case may be (the “**GDPR**”).

## 2. HOW CAN WE AMEND THIS PRIVACY POLICY?

The Bank may, at any time, amend this Privacy Policy to take into account any legislative or regulatory amendments, as well as changes in banking and market’s practice.

In addition to the above:

- when informing you of any change in the collection or processing of your Personal Data, the Bank shall provide you the details required by articles 13 and 14 of the GDPR; and
- with respect to the collection or processing of your Personal Data which are carried out by the Bank on the lawful basis of your consent (as the case may arise), the changes will be subject to your express consent.

## 3. WHAT IS THE ROLE OF THE BANK WITH RESPECT TO YOUR PERSONAL DATA?

In accordance with the GDPR, the Bank in its capacity as a data controller in each of the cases listed in this Privacy Policy processes personal data of the Client and its proxies, representatives co-obligors, guarantors beneficial owners as the case may be.

Apart from personal data provided directly by the Client, to the extent allowed by law, the Bank may collect only such data that is necessary for the above described processing purposes. Such data may include electronic identification data, services provided to the Client, electronic communications and others. Should the Bank collect such data from a third party, it will inform the Client in the conditions of article 14 of the GDPR.

The Client shall inform the Bank as soon as possible of any changes in personal data collected.

## 4. WHAT PERSONAL DATA WILL THE BANK COLLECT AND PROCESS?

The Bank will collect and process the following categories of personal data pertaining to the Client and its proxies or representatives as the case may be (together the “**Personal Data**”):

- personal details, e.g. names, previous names, gender, date and place of birth, family details such as details about your spouse and/or children;
- contact details, e.g. address, email address, landline and mobile numbers;
- information concerning your identity e.g. photo ID, passport information, National Insurance number or social security number;
- national ID card and nationality;
- tax domicile and other tax-related documents and information;
- financial information, including payment and transaction records and information relating to your assets (including fixed properties), financial statements, liabilities, taxes, revenues, earnings and investments (including your investment objectives); salary details, information relating to complaints and disputes;
- information we use to identify and authenticate you, e.g. your signature;
- details of communication with you, including records of phone calls, emails and messages through other social communication platforms;
- records of any advice that we have given to you and the products and services you use;
- investigations data, e.g. due diligence checks, sanctions and anti-money laundering checks, external intelligence reports, content and metadata related to relevant exchanges of information between and among individuals and/or organizations, including emails, voicemail, live chat, etc;
- information that we need to support our regulatory obligations, e.g. information about transaction details, detection of any suspicious and unusual activity and information about parties connected to you or these activities.

## 5. ON WHAT LEGAL BASIS AND FOR WHAT PURPOSES WILL THE BANK PROCESS PERSONAL DATA?

### 5.1 Personal Data processing by the Bank for the purpose of the performance of the relevant contractual obligations (on the legal basis of article 6 (1) (b) of the GDPR)

The Bank will collect from the Client or from third parties (e.g. public authorities, establishments which operate professional databases, other financial institutions) and process Personal Data for the purpose of performing banking transactions, providing products and providing financial services pursuant to our contracts with our clients or to take steps at your request to enter into or execute a contract, including but not limited to managing a customer relationship, managing a Client’s accounts, related products and services, executing transactions, or establishing statistics.

### 5.2 Personal Data processing by the Bank for the purpose of compliance with its legal obligations (on the legal basis of article 6 (1) (c) of the GDPR)

The Bank will collect from the Client or from third parties (e.g. public authorities, establishments which operate professional databases, other financial institutions) and process Personal Data because such collection is necessary for the purpose of complying with the Bank’s obligations under AML and Know your Customer laws and regulations, and for the purpose of any other mandatory laws that are binding on the Bank.



**5.3 Personal Data processing by the Bank for the Bank's legitimate interest (on the legal basis of article 6(1)(f) of the GDPR)**

The Bank will collect from the Client or from third parties (e.g. public authorities, establishments which operate professional databases, other financial institutions) and further process Personal Data where it is in the Bank's legitimate interest, which includes the following purposes:

- for the Bank's marketing purposes, including developing commercial offers, receiving unsolicited communications regarding services and products of the Bank, its affiliated companies or companies in the same group as the Bank (where the Bank considers marketing purposes to be a legitimate interest as confirmed by Recital (47) of the GDPR);
- for crime prevention;
- for the Bank's risk management;
- for the purpose of liaising with credit agencies;
- for the implementation and use of the Bank's IT structure and IT security tools; and
- to defend and initiate legal actions and claims.

**5.4 Personal Data processing by the Bank on the basis of the Client's consent (on the legal basis of article 6(1)(a) of the GDPR)**

To the extent the Bank would intend to process your Personal Data on the lawful basis of your consent, the Bank shall not carry out such processing without obtaining your prior express consent in compliance with the GDPR and inform you of the purpose thereof.

**6. TO WHOM WILL THE BANK TRANSFER YOUR PERSONAL DATA?**

**6.1 Transfer of Personal Data by the Bank within the European Union**

To the extent allowed by applicable law, in certain cases the Bank may need to transfer Personal Data to Bank's subcontractors, outside services providers or other companies, within the European Union, the involvement of which is necessary to provide the services of the Bank.

Such Personal Data will be subject to processing by the subcontractor, outside service provider or other company.

Also, Personal Data included in money transfers is processed by the Bank and other specialized companies, such as SWIFT (Society for Worldwide Interbank Financial Telecommunication). Such processing may be operated through centers located in other European Union countries such as the country in which you ask a money transfer. The legal basis for such processing will be that the Bank needs to perform this processing to be able to perform its obligations under the relevant contract.

Such transfer of Personal Data will be made by the Bank on the basis of agreement(s) with the recipient(s) compliant with article 28 of the GDPR.

**6.2 Transfer of Personal Data by the Bank to the United States and People's Republic of China (PRC)**

**United States**

Personal data included in money transfers is processed by the Bank and other specialized companies, such as SWIFT (Society for Worldwide Interbank Financial Telecommunication). Such processing may be operated

through centers located in the United States of America, according to their local legislation. As a result, the United States of America authorities can request access to personal data held in such operating centers for the purposes of fighting terrorism. All data elements necessary for the correct completion of the transaction may be processed outside of Ireland when instructing the Bank to execute a payment order. Such transfer of Personal Data will be made by the Bank on the basis of agreement(s) with the recipient(s) compliant with article 28 of the GDPR.

**People's Republic of China**

Personal Data will be processed by the Bank for the purpose of anonymization of such Personal Data and, upon such anonymization, will be transferred to the Bank's head office in People's Republic of China (PRC), for the purpose of internal management, statistics, accounting and reporting, to allow the Bank to provide its service and perform its contractual obligations towards you or to take steps at your request to enter into or execute a contract.

These transfers of Personal Data to the Bank's head office in People's Republic of China (PRC) :

- will be made while ensuring that your rights and effective legal remedies remain fully enforceable (article 46 (1) of the GDPR);
- will rely on appropriate safeguards compliant with article 46(2)(c) GDPR, including the European Union Standard Contractual Clause entered into with the Bank's head office and our Service Level Agreement.

Such transfer of Personal Data to PRC will be made by the Bank on the basis of agreement(s) with the recipient compliant with article 28 of the GDPR.

**Transfer to other non EEA-Countries**

In addition, your Personal Data may be transferred, for processing and storage, to countries outside the European Union and /or the European Economic Area (EEA), including countries that do not have the same level of protection for Personal Data, but always within the framework of articles 44 to 46 of the GDPR. Such transfers will be lawfully based either on the necessity, in order to provide our services to you under the relevant banking transaction, providing products and providing financial services that you request, pursuant to our contracts with our clients or to take steps at your request to enter into or execute a contract, or to comply with our legal obligations. To the extent the Bank would intend to transfer your Personal Data to such a country on the lawful basis of your consent or specific consent, the Bank shall not effect such transfer without obtaining your prior express consent in compliance with the GDPR.

**7. HOW LONG WILL THE BANK STORE PERSONAL DATA?**

The Bank will keep record of its processing of Personal Data in the conditions of article 30 of the GDPR.

Personal Data will be stored by the Bank as long as necessary to fulfil the purpose for which it was collected and no longer than for a duration of a 5 years period after the end of the business relationship with the Client, or for any longer period of time which would become applicable under Irish laws.

**8. WHAT ARE YOUR RIGHTS UNDER THE GDPR IN RESPECT OF YOUR PERSONAL DATA?**

The Client or the relevant data subject has the rights, under the provisions of the GDPR, to request from the Bank, in its



capacity as controller, access to and rectification or erasure of Personal Data or restriction of processing concerning the Client or to object to processing as well as the right to portability of the Client's Personal Data.

The Client or the relevant data subject has the right under the GDPR and Irish laws, to lodge complaints with the Irish Data Protection Commission:

21 Fitzwilliam Square South  
Dublin 2  
D02 RD28  
Ireland  
Tel.: +353 (0) 76 110 4800

The Client or the relevant data subject has the right to access all personal data concerning his person and the right to request that any rectifications to this information be done by the Bank or in case of legitimate reasons oppose the processing carried out by the Bank. To make use of these rights, the Client may contact the Bank by electronic mail at the address [legalcompliance.dublin@bank-of-china.com](mailto:legalcompliance.dublin@bank-of-china.com) or by mail at the following address: Bank of China (Europe) S.A – Dublin Branch, Styne House, Hatch Street Upper, Dublin, Ireland

#### 9. HOW TO CONTACT OUR DATA PROTECTION OFFICER?

For any question or request, you may also contact our data protection officer via Bank of China (Europe) S.A. – Dublin Branch, Styne House, Hatch Street Upper, Dublin, Ireland or email address: [legalcompliance.dublin@bank-of-china.com](mailto:legalcompliance.dublin@bank-of-china.com)

#### 10. WHAT WILL HAPPEN IF YOU DO NOT WISH TO GIVE YOUR CONSENT UPON OUR REQUEST?

Further to the processing of your Personal Data as described herein, the Bank may specifically ask your consent to be able to carry out certain processing or transfer of your Personal Data or of other categories of data relating to you. In the case of refusal by you to consent to such collections, transfers and processing, the Bank may reject the entering into further business relations with you or may decide to terminate the existing relationship, but without prejudice to the pre-existing relation and to your rights, and may suspend its services to you to the extent where the processing of Personal Data to which you did not consent was necessary for the provision of the Bank's services.

#### 11. DOES THE BANK TRANSFER PERSONAL DATA TO OTHER THIRD PARTIES THAN AS DESCRIBED ABOVE?

Outside the situations described above, the Bank shall not disclose the collected Personal Data to third parties, except on the express instructions of the Client or if legally required to do so.

#### 12. PROCESSING OF PERSONAL DATA RELATING TO A CLIENT'S REPRESENTATIVES OR AGENTS

The Client – Legal Entity - shall make all necessary actions to receive the consents necessary from its representatives, agents, proxies, co-obligors, borrowers, beneficial owners and any other contacts, the processing of whose personal data is concerned as well as to provide them with the above information regarding processing of their personal data, notably inform them about the right to access and rectify data.

Notwithstanding the foregoing, the Bank shall adopt and take prudent measures and actions, as are reasonably expected from the Bank, to protect the confidentiality of such personal information.

#### 13. VIDEOSURVEILLANCE AND TELEPHONE RECORDINGS

The Bank reserves the right to make use of video surveillance inside and outside its buildings and facilities for security reasons and to protect its property and facilities. The video surveillance tapes will be used to provide proof of an offense or damage or to identify person in this context. The Bank reserves the right to record telephone conversations for the purpose of proving the content of the conversations and the instructions given by the Client. The Bank will not use the video surveillance tapes or telephone recordings for other purpose save if otherwise agreed by the parties, or if a legal obligation so requires. The video surveillance tapes will be retained for a maximum period of 30 days. Telephone recordings will be kept as per Irish legal provisions.

#### 14. HOW WE KEEP YOUR PERSONAL DATA SECURE

The Bank takes reasonable organisational, technical and administrative measures to keep your personal data secure. We require our staff and any third parties who carry out any work on our behalf to comply with appropriate compliance standards including obligations to protect any information and applying appropriate measures for the use and transfer of information.

#### 15. LAW AND JURISDICTION

This Privacy Policy is governed by, and shall be construed in accordance with, Irish law.

Each of the Client, its representatives and agents, and the Bank hereby submits to the exclusive jurisdiction of the courts of Ireland in respect of all matters arising out of or in connection with the Privacy Policy.

#### 16. MISCELLANEOUS

In case of a discrepancy between the English version and the Chinese version or in case the Chinese version is not available, the English version will prevail.

If any term hereof is held invalid, void or unenforceable by any court or body of competent jurisdiction or by virtue of any legislation to which it is subject or by virtue of any other reason whatsoever, it shall be void or unenforceable to that extent only and the validity and enforceability of any of the other provisions of this Privacy Policy shall not be affected thereby to the extent allowed by law.

This version of the Privacy Policy is dated October 2022.