

First Commercial Bank

Customer Privacy Notice

First Commercial Bank (the “Bank”, “we”, “us”) is committed to protecting your privacy and ensuring the highest level of security for your personal information. We hope that the privacy notice (the “Notice”) outlined below serves as an indication of our commitment to protecting the security and privacy of your personal data.

Please read this Notice carefully. When visiting this website and using our services that link to or reference this Notice, you agree to be bound by the terms and conditions of this Notice.

Your personal data – what is it?

Personal data relates to a living individual who can be identified from that data. Identification can be by the data alone or in conjunction with any other data in the data controller’s possession or likely to come into such possession. The processing of your personal data is governed by applicable privacy laws.

What roles do we play in processing your data?

We are the data controller with respect to processing your data (contact details below). This means that we decide how your personal data is processed and for what purposes. We know that you care how data about you is used and shared, and we appreciate your trust that we will do so carefully and sensibly.

When are your personal data collected?

Some of your data can, in particular, be collected by us:

- whenever you become our customer;
- whenever you register to use our online services (each time you log in or each time you use them);
- whenever you fill in forms and contracts that we send to you;
- whenever you use our services and products;
- whenever you opt-in to our marketing communications, including but not limited to: newsletters, online and live event registrations, and other promotional information and materials;
- whenever you contact us via the various channels we offer you;
- whenever you are filmed by our surveillance cameras located in or near our premises. These images are recorded solely for the purpose of protecting property and people’s safety, and for preventing abuse, fraud or other criminal activities from which our customers and ourselves could also become victims.

Our collection of personal data

The personal data we collect include any and all data you provide to us when you enter into contract with us, register an account with us, enter on our website, provide us information on a web form, update or add information to your account, or give us in any other way. You can choose not to provide data to us, but we may then not be able to service you where such services require processing such data. We use the data that you provide for purposes of opening a bank account, verifying your identity, administering your use of our services, such as communicating with you, responding to your requests, managing your account, customizing your service experience with us, improving our products and services, and personalizing marketing communications. We may communicate with you by mail, email or telephone. We will send you strictly service-related announcements or information on rare occasions when it is necessary to do so.

Examples of the data we collect and store include: your e-mail address, name, address, phone number, login, account

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name, account number, password, your account activity, files accessed or used by you, transaction data and any information you provide during a transaction, or other transaction-based content that you generate or connected to your account as a result of your transaction, financial data such as bank accounts and credit card numbers, logistics and billing data (such as customs ID and tracking number), your chat and service history with us, and any other information you may provide us such as your age, gender, interests and preferences.

We also receive and store certain types of data whenever you interact with us. For example, we use "cookies," which are unique identifiers that we transfer to your device to enable our systems to provide features of our services such as personalized advertisements on other websites,, provide remote access for you, allow you to visit our website without re-entering your username and/or password, verify that you have the authorization needed for the services to process your requests, personalize and improve your experience, record your preferences, customize functionalities for your devices, and to improve the functionality and user-friendliness of our services. It also helps us to better understand how you interact with our services and to monitor aggregate usage and web traffic routing on our website. Most of the cookies used by us are so-called "session cookies", which will be deleted after your visit. Cookies do not cause any damage on your computer and do not contain any viruses. Most browsers automatically accept cookies as the default setting. You can modify your browser setting by editing your browser options to reject our cookies or to prompt you before accepting a cookie. However, if a browser does not accept cookies or if you reject a cookie, some portions of our services may not function properly.

We obtain certain types of data when your web browser accesses us or advertisements and other content served by us or on our behalf on other websites, such as the Internet protocol (IP) address used to connect your computer to the internet, device ID or token, unique identifier, device type, ID for advertising, referral URL, computer and connection data such as the type of operating system you use, your device information, your software information, browser type, browser language and version, ad data, access times, your browsing history, and your web log information. Our website automatically receives and records your IP address which your browser sent us on our server when you login to our website. We will store your IP address in our user registration databases. We will use your IP address for the following purposes:

- send the most appropriate banners based on geographic area or information derived from your IP address.
- estimate the total number of visitors from specific countries or regions all over the world.
- help to identify customers.

Our website keeps your account information active in our user registration databases in order to provide immediate access to your personal data each time you visit our website, as noted above.

All the data we collect from you may be stored as log files in our server or as augmented information associated with you or your devices. These log files are used for analysis, research, auditing, and other purposes. Your data is stored in log files until the data is transferred to backup databases. We routinely back-up a copy your data to prevent loss of your data in case of a server breakdown or human error. However, all such copies of your data in our backup database will be retained only for as long as our data retention policy permits (see "*How long do we keep your personal data?*" below), and will in any case be deleted immediately upon your request.

How do we process your personal data?

We comply with our obligations under applicable privacy laws by keeping personal data up to date; by storing and destroying it securely; by collecting and retaining only the necessary data that we need to service you; by protecting personal data from loss, misuse, unauthorized access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

The processing operations we perform on your data covers automated and non-automated means of collecting, recording, organizing, structuring, storing, altering, retrieving, using, transmitting, disseminating or otherwise making available, aligning or combining, restricting, and/or erasing your data.

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We use your personal data for the following purposes:

- To design and deliver our services and activities to you.
- To operate our website to provide you access to and use of our services.
- To customize, measure, and improve our services and our advertising based on your service or advertising preferences.
- To provide services and products requested by you such as deposit, remittance service, foreign exchange, investments in financial products, loan.
- To contact you to conduct research about your opinions of current services and products or of potential new services and products that may be offered by us.
- To send you marketing communications informing you of our news, events, new services and products, and activities.
- To share your contact details with our affiliate offices around the world within our group companies, for the purposes of internal administration and back-office support, to ensure our network security, and to prevent fraud.
- To maintain the integrity and safety of our data technology systems which store and process your personal data.
- To provide anonymous reporting for internal and external customers.
- To share your contact details with our logistics partners, distributors, and integrators so that they can assist us to deliver our services and products to you.
- To enforce or defend our policies or contract with you.
- To detect and investigate data breaches, illegal activities, and fraud.
- To comply with requirements under financial regulations and any other applicable law.

Out of respect for your privacy, if you no longer wish to receive marketing communications from us, please follow the “unsubscribe” instructions provided, or update your account settings.

What is our lawful basis for processing your personal data?

In general, the lawful bases for us to process your personal data for the various types of processing performed on your data (please refer to “*How do we process your personal data?*” section of this Notice) is processing as necessary for us to enter into and to perform our service contract with you, to comply with our obligations under the applicable employment, social security or social protection laws, or to pursue the legitimate interest of our Company or of third parties.

Unless otherwise stated in this Notice, we will collect, process and use the personal data supplied by you only for the purposes communicated to you and will not disclose it to third parties, or only with your permission, unless disclosure is necessary to perform a contract with you, is required by law or to comply with a government agency or court orders, is necessary to establish or preserve a legal claim or defense and furthermore, is necessary to prevent misuse or other illegal activities, or is carried out for any additional purpose that is directly related to the original purpose for which the personal data was collected. We further detail the circumstances of data disclosure to third parties in the section “*Sharing your personal data*” below.

Where we talk about our legitimate interest or that of third parties, such legitimate interest can include:

- Implementation and operation of a group-wide organizational structure and group-wide information sharing;
- Right to freedom of expression or information, including in the media and the arts;
- Prevention of fraud, misuse of company IT systems, or money laundering;

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- Operation of a whistleblowing scheme;
- Physical security, IT and network security;
- Internal Investigations;
- Proposed mergers and acquisitions

Necessity to provide us data

We need to process your personal data in order to enter into our service contract with you and to continue to perform crucial aspects of your service contract such as handling transaction between you and the Bank. There are also statutory requirements and other contractual requirements we have to comply with in relation to financial services we provide. If we are not be able to carry out the processing activities we describe in this Notice, we may not be able to comply with your service contract, and in certain exceptional cases, may not be able to maintain your customer relationship. Of course, we hope it would never come to that, and this is simply information we are obliged to provide to you as part of this Notice.

Sharing your personal data

Your personal data will be treated as strictly confidential, and will be shared only with the categories of data recipients listed below. We will only share your data with third parties outside of the Company with your consent, and you will have an opportunity to choose for us not to share your data.

We may disclose your personal data to:

- our parent company and affiliated entities within our global group of companies and branches worldwide to provide you financial services, for internal administration purposes, to detect and deal with data breaches money laundering, illegal activities, and fraud, and to maintain the integrity of our information technology systems.
- third party service providers whom we sub-contract to work on our behalf or for us and therefore may have access to your information only for purposes of performing these tasks on our behalf and under obligations similar to those in this Notice, who perform functions such as information processing, auditing, credit reference, managing and enhancing customer data, providing customer service, logistics support, marketing support, informational systems technical support, to help us provide, analyze, and improve our services such as data storage, database management, web analytics, and improvement of our service features, and to assist us in detecting and dealing with data breaches, illegal activities, and fraud.
- governments and/or government-affiliated institutions, courts, or law enforcement agencies, to comply with our obligations under relevant laws and regulations, enforce or defend our policies or contract with you, respond to claims, or in response to a verified request relating to a government or criminal investigation or suspected fraud or illegal activity that may expose us, you, or any other of our customers to legal liability; provided that, if any law enforcement agency requests your data, we will attempt to redirect the law enforcement agency to request that data directly from you, and in such event, we may provide your basic contact information to the law enforcement agency.
- third parties involved in a legal proceeding, if they provide us with a court order or substantially similar legal procedure requiring us to do so.

We may provide you with opportunities to connect with third party applications or services. If you choose to use any such third party applications or services, we may facilitate sharing of your information with your consent. However, we do not control the applications or services of those third parties or how they use your information, and your use of such applications and services is not governed by our privacy policy. Please review the terms and the privacy policies

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How long do we keep your personal data?

We keep your personal data for no longer than reasonably necessary for the given purpose for which your data is processed. Notwithstanding the above, we may retain your personal data as required by applicable laws and regulations, as necessary to assist with any government and judicial investigations, to initiate or defend legal claims or for the purpose of civil, criminal or administrative proceedings. If none of the above grounds for us to keep your data apply, we will delete and dispose of your data in a secure manner according to our data protection policy.

Privacy of data subjects under the age of 16

We will not provide our services and products to persons under the age of 16 unless the execution of the service contract is authorized by the holder of parental responsibility over the child.

Your rights and your personal data

Unless subject to an exemption under applicable privacy laws, you have the following rights with respect to your personal data:

- The right to request a copy of your personal data which we hold about you;
- The right to request that we correct any personal data if it is found to be inaccurate or out of date;
- The right to request to erase your personal data where it is no longer necessary for us to retain such data;
- The right to withdraw your consent to the processing at any time, where we rely on your consent to process your data;
- The right to request that we provide you with your data and where possible, to transmit that data directly to another data controller, where the processing is based on your consent or is necessary for the performance of a contract with you, and in either case we process the data by automated means;
- The right, where there is a dispute in relation to the accuracy or the lawfulness of our processing of your personal data, to request that a restriction is placed on further processing of your data;
- The right to object to us using your personal data to engage in direct marketing;
- The right to lodge a complaint regarding our processing of your data, with the competent authority where you reside or in which your data is processed.

If you would like to exercise any of the above rights, please do so by providing your request to the contact window set forth in the “*Contact Us*” section.

After receiving your request, we will evaluate your request and inform you how we intend to proceed on your request. Under certain circumstances in accordance with applicable privacy laws and regulations, we may withhold access to your data, or decline to modify, erase, port, or restrict the processing of your data.

Transfer, Storage, and Processing of Data Abroad

As noted in the “*Sharing your personal data*” section of this Notice, as a globally operating Bank, we may share your information with our parent company, affiliate companies or third parties. Please refer to the “*Sharing your personal data*” section of this Notice for the recipients of your data and the reasons for our provision of your data to them. Where such entities are located in other countries and jurisdictions, we will therefore be transferring your personal data outside of the European Economic Area. In making such data transfers, we make sure to protect your personal data by applying the level of security required by applicable privacy laws. Where we transfer your data to a country or jurisdiction that cannot guarantee the required level of protection as required by applicable privacy laws, we have enhanced our IT security measures and have entered into Standard Contractual Clauses with the transferee to require security obligations on the transferee, both of which are intended to increase the protection of your personal data.

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Standard Contractual Clauses are one of a number of "appropriate safeguards" under the applicable privacy laws that enable the transfer of personal data concerning data subjects within the European Economic Area to jurisdictions that have not been designated by the European Commission as possessing an adequate level of data protection. You may request a copy of such Standard Contractual Clauses from us, or inquire about transfers of your information, by providing your request to the contact window set forth in the "*Contact Us*" section.

Further processing

If we wish to use your personal data for a new purpose not covered by this Notice, then we will provide you with a new notice explaining this new use prior to commencing such further processing for a new purpose, setting out the relevant new purpose and processing conditions. In such case, we will find a lawful basis for further processing, and whenever necessary we will seek your prior written consent to such further processing.

Security

We have implemented technical and organizational security measures to safeguard the personal information in our custody and control. Such measures include, for example, limiting access to personal information only to employees and authorized service providers who need to know such information for the purposes described in this Privacy Notice, as well as other administrative, technical and physical safeguards.

While we endeavor to protect our systems, sites, operations and information against unauthorized access, use, modification and disclosure, due to the inherent nature of the Internet as an open global communications vehicle and other risk factors, we cannot guarantee that any information, during transmission or while stored on our systems, will be absolutely safe from intrusion by others, such as hackers.

If you believe that the security of your data has been compromised, or if you like more information on the measures we use to protect your data, please contact us following the instructions in the "*Contact Us*" section below.

Whom should I contact?

If you have any question about this Notice, or if you would like to exercise any of your rights, or if you have any complaints that you would like to discuss with us, please in the first instance send us your signed and dated request, together with a copy of your identity card. Please be as accurate as possible:

by post to

First Commercial Bank

New York branch

Address: **750, 3rd Avenue, 34th Floor, New York, NY 10017, U.S.A.**

or

by e-mail to **fcby@firstbankny.com**

In case of disagreements relating to our processing of your personal data, you can submit a request for mediation or other administrative action to the relevant data protection supervisory authority at the following address:

☐ I hereby confirm that I have read and understood the Customer Privacy Notice provided by the Bank.