

# FAIR PROCESSING NOTICE

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AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED  
LONDON BRANCH

June 2020



Protecting your privacy and the confidentiality of your Personal Data is fundamental to the way ANZ does business.

The purpose of this Fair Processing Notice ("**Notice**") is to make you aware of how we will use your Personal Data (i.e. information which identifies you) and the measures and processes we have put in place in order to ensure that we comply with applicable data protection laws (including the European General Data Protection Regulation 2016/679 ("**GDPR**")).

## 1. SCOPE

This Notice is given by Australia and New Zealand Banking Group Limited ("**ANZ**", "**we**" or "**us**", "**our**") to you [our customer] ("**you**" or "**your**"). We act as a Controller (as defined in the GDPR) for the Personal Data we collect during the course of our dealings with you about your employees, agents and contractors, and those of associated entities (your "**Personal Data**"). This means that we determine the purposes for and the manner in which we (or our Processors as defined in the GDPR) process your Personal Data. If you provide ANZ Personal Data about your employees, agents and contractors, and those of associated entities or direct someone else to give their Personal Data to ANZ, you must show that person a copy of this Notice so that they understand the manner in which their Personal Data may be used or disclosed.

## 2. WHAT THIS FAIR PROCESSING NOTICE COVERS

2.1 This notice covers:

- (a) **What personal data we collect about you;**
- (b) **How we obtain personal data**
- (c) **Fair and lawful processing;**
- (d) **Recording communications with you;**
- (e) **International Transfers of personal data;**
- (f) **When we may disclose your Personal Data;**
- (g) **Protecting your Personal Data;**
- (h) **Your rights in relation to the personal data we collect;**
- (i) **How long we will hold your Personal Data for;**
- (j) **How we update or change this Notice; and**
- (k) **How you can contact us.**

## 3. WHAT PERSONAL DATA WE COLLECT ABOUT YOU

3.1 We process the following types of personal data which we collect about your employees, affiliated persons or entities agents and contractors and those of associated entities:

- (a) First and last name, middle name, email address, home address and other contact details;
- (b) Date of birth;
- (c) Place of work;
- (d) Place of birth and nationality;
- (e) Identification documentation, such as copy of the passport, driving licence, ID card or such other documentation as is required by local law. Copies of these documents may include a photograph of their face and shoulders;
- (f) Transaction and account information;
- (g) Details of preferences for types of products or services, marketing events or materials in the context of their employment with you;
- (h) Details of access to our websites and applications including, but not limited to, traffic data, location data and other communication data (such as IP addresses), and the resources that are accessed;
- (i) Authorised signatory lists including facsimiles of the signatures of your employees, agents and contractors, and those of associated entities.

- 3.2 These types of personal data may include “special categories of personal data”. These are personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union memberships, and genetic data, data concerning health or data concerning sex life or sexual orientation. We will only process such information about you which relates to your racial or ethnic origin. This processing is necessary for reasons of substantial public interest, such as anti-money laundering. We have suitable and specific measures in place to safeguard the fundamental rights and the interests of the data subject and we will advise you accordingly if we stop such processing. If we collect and/or otherwise process any other types of the foregoing information we will obtain your express consent to do so.
- 3.3 In certain circumstances it may be necessary for you to provide us with your Personal Data, for example, to enable us to provide services to you or to comply with our legal obligations. In other circumstances, it will be at your discretion whether you provide us with personal data or not. However, failure to supply any of the personal data we may request may mean that we are unable to maintain or provide services or products to you. Your Personal Data will only be processed to the extent that it is necessary for the specific purposes notified to you.
- 3.4 We make every effort to maintain the accuracy and completeness of your Personal Data which we store and to ensure all of your Personal Data is up to date. However, you can assist us with this by promptly contacting us if there are any changes to your Personal Data or if you become aware that we have Personal Data relating to any of your employees, agents and contractors and those of your associated entities which is inaccurate (see section 10 below). We shall not be responsible for any losses you suffer arising from any inaccurate, inauthentic, deficient or incomplete Personal Data that you provide to us.

#### **4. HOW WE OBTAIN PERSONAL DATA**

- 4.1 We collect your Personal Data from the information you provide when we consider and process your request for, provide, manage or administer, a transaction, product or service, and any additional information provided by you or others during the course of us providing or you receiving our banking and investment services including:
- (A) in requests, facility documentation, emails and letters, during telephone calls and conversations, for example, when registering for services, entering into terms and conditions, when conducting “know your customer” or other similar checks under all applicable laws and regulations, through our group company websites, in meetings and at corporate events and during financial reviews and interviews;
  - (B) from analysis (for example, the amount frequency, location, origin, and recipient) of your payments and other transactions, and your use of products and services involving other of our group companies and what they know as a result of operating your account, managing a transaction entered into with you, or providing you a product or service which are used to help us combat fraud and other illegal activity; and
  - (C) information our group companies receive from each other, from or through other third party organisations (for example, credit reference agencies, insurance companies, brokers, social networks, and fraud prevention agencies) whether in the course of providing products and services to you or otherwise, and from information we gather from your use of and interaction with our applications, systems and platforms for banking and investment services and the devices you use to access them.
- 4.2 We will also collect information about you that is publicly available, including information from the electoral roll or other websites.

## **5. FAIR AND LAWFUL PROCESSING**

5.1 We will only process your Personal Data where:

- (a) the processing is necessary to comply with our legal obligations including:
  - (i) to carry out money laundering, financial and credit checks and for fraud and crime prevention and detection purposes;
  - (ii) to comply with our legal and regulatory obligations and requests anywhere in the world, including reporting to and/or being audited by national and international regulatory bodies; and
  - (iii) to comply with court orders and exercise and/or defend our legal rights, as otherwise permitted or required by any applicable law or regulation; or
- (b) the processing is necessary for the performance of a contract to which you are party, or in order to take steps at your request prior to entering into such contract; or
- (c) the processing is necessary for our legitimate interests or the legitimate interests of others (except where such interests are overridden by the interests or rights of your employees, agents and contractors and those of your associated entities requiring the protection of their Personal Data) including:
  - (i) for monitoring and assessing compliance with ANZ's policies and standards;
  - (ii) for promotional and marketing materials and activities;
  - (iii) to comply with court orders and exercise and/or defend our legal rights, as otherwise permitted or required by any applicable law or regulation;
  - (iv) to identify persons authorised to trade on behalf of our clients;
  - (v) for administrative purposes in relation to the security and access of our systems, offices, platforms and secure websites and applications;
  - (vi) to contact you about the services and products we offer; and
  - (vii) for any other legitimate business purpose including the reasons set out in section 8 below; or
- (d) you confirm that your employees, agents and contractors and those of your associated entities consent to the processing of their Personal Data on the basis set out in this notice including in relation to the processing of Personal Data relating to racial or ethnic origin.

## **6. RECORDING COMMUNICATIONS**

6.1 We and persons acting on our behalf may record and/or monitor communications (including telephone conversations over landlines and mobile phones, emails, instant messaging, chat rooms, fax and other electronic communications) between your employees, agents and contractors and those of your associated entities and our employees, agents, consultants, contractors or other personnel and non- ANZ personnel/ individuals (such as employees of our clients). We only do this to the extent permitted by applicable law for legitimate business purposes or other purposes permitted or required by law. We collect this type of personal data for several reasons including but not limited to:

- (a) recording fact;
- (b) complying with applicable law and regulation;
- (c) complying with internal procedures and policies;
- (d) facilitating administration and support;
- (e) assisting with security, crime prevention and fraud purposes; and
- (f) investigating or detecting unauthorised use, wrongful use or abuse of our services, systems or other materials.

## **7. INTERNATIONAL TRANSFERS OF PERSONAL DATA**

- 7.1 Because we are a global organisation, your Personal Data will be transferred to and processed by entities within our group of companies other than the entity that collected the personal data.
- 7.2 Your Personal Data will be processed in (including accessed in or stored in) for the purposes set out in clause 5 above a country or territory outside the European Economic Area ("EEA"), which does not offer the same level of protection of personal data as may be enjoyed within your country. By providing your Personal Data to us, you agree to this processing. We will ensure that we have adequate safeguards in place so that your Personal Data is treated securely and in accordance with applicable law and regulation and with our policies and standards. If you would like a copy of the safeguards we have put in place please write to the contact set out in clause 13 below.
- 7.3 The most common reason for us disclosing information overseas is because we use service providers to perform some functions on our behalf, and some of these service providers are located outside the EEA. We only disclose your information to these organisations when it is necessary for the services they provide to us. For the most part, these service providers are entities related to us which perform a range of technology, operational and customer service functions for us. These entities are located in the following countries: China, India and Philippines.

## **8. WHEN WE MAY DISCLOSE YOUR PERSONAL DATA**

We do not and will not sell, rent or trade your Personal Data. We will only disclose your Personal Data in the ways set out in this Notice and in the following circumstances:

- (a) to any entity within the ANZ group of companies;
- (b) to third parties who process your Personal Data on our behalf (such as our systems providers);
- (c) to third parties who process your Personal Data on their own behalf but through providing us or you with a service on our behalf (such as our agents, contractors, professional advisers, service providers that we engage to carry out or assist with our functions and activities including participants in payment systems and credit reference agencies);
- (d) to any provider of a guarantee, security or other credit support for obligations to us;
- (e) to financial institutions or regulatory bodies with whom information is shared for money laundering checks, credit risk reduction and other fraud and crime prevention purposes;
- (f) to any third party to whom we assign or novate any of our rights or obligations;
- (g) to any prospective buyer in the event we sell any part of our business or its assets or if substantially all of our assets are acquired by a third party, in which case your Personal Data could form part of one of the assets we sell; and
- (h) to any government, regulatory agency, enforcement or exchange body or court where we reasonably believe that we are required to do so by applicable law or regulation or by any court or tribunal order or at their request where it is legal to do so.

## 9. PROTECTING YOUR PERSONAL DATA

- 9.1 We are committed to safeguarding and protecting your Personal Data and we maintain appropriate security measures to protect your Personal Data from improper, unauthorized, unlawful or accidental disclosure, destruction, alteration, use, access, loss or damage.

## 10. YOUR RIGHTS IN RELATION TO THE PERSONAL DATA WE COLLECT

- 10.1 If you wish to **update, modify/correct, delete or, access** your Personal Data, **receive a copy** of the personal data collected from you, or if you would like us to **stop processing** any of your Personal Data, to the extent you are entitled to do so under applicable law, you can make such a request by writing to us at the address set out in section 13 below. We will respond to your request within the time prescribed by applicable law. If such changes are made pursuant to your request(s) this may affect our ability to continue to provide our services to you and in such circumstances we reserve the right to terminate this Agreement on notice to you.
- 10.2 In any of the situations listed above, in order for us to comply with our security obligations and to prevent unauthorised disclosure of data, we may request that you provide us with a copy of a valid means of identification and verification of the identity of the individual whose personal data is the subject of such a request.

### 1.1 HOW LONG WE WILL HOLD YOUR PERSONAL DATA FOR

- 11.1 We will only retain your Personal Data for as long as necessary to fulfill the purpose for which it was collected or to comply with legal, regulatory or internal policy requirements. However, if you wish to have your Personal Data removed from our databases, you can make such a request by writing to the address set out below in section 13. Subject to any legal or regulatory requirements, we will then delete this information (to the extent technically practicable).

## 12. HOW WE UPDATE OR CHANGE THIS NOTICE

- 12.1 We may change or update parts of this Notice in order to maintain our compliance with applicable law and regulation or following an update to our internal practices. We will do this by updating <http://www.anz.com/unitedkingdom>.
- 12.2 This Notice was last updated on June 2020.

### **13. HOW YOU CAN CONTACT US**

- 13.1 If you would like to contact us in relation to this Notice or anything else in connection with the Personal Data we collect about you, including, without limitation, where you would like to update your Personal Data, would like a copy of the data we collect on you or would like to raise a complaint or comment, please contact us using the details set out below.
- 13.2 In the UK:  
Email: [GDPREurope@anz.com](mailto:GDPREurope@anz.com) or Telephone:0203-229-2595
- Post: The Data Protection Representative, Australia and New Zealand Banking Group Limited, 40 Bank Street, Canary Wharf, London, E14 5EJ, United Kingdom.
- 13.3 In any other country:  
Please contact your normal ANZ representative, explaining that your communication is in relation to data protection.