

## BNF BANK MASTER PRIVACY POLICY

Last Updated on 24<sup>th</sup> May 2018

### INTRODUCTION

**BNF BANK PLC takes the confidentiality and security of your personal data very seriously.**

This Master Privacy Policy ("**Privacy Policy**") relates to the website <https://www.bnf.bank/> and/or any sub-website and/or associated domains (and/or sub-domains) of <https://www.bnf.bank/> (hereinafter referred to as the "**Site**") the services (which may include sale of goods if applicable) provided by **BNF Bank plc** (C 41030), the owner of the Site, ("**We**", "**Us**", "**Our**", "**Ourselves**" and/or "**BNF**") and any related software applications, where Personal Data is processed by the same (via the Site, any of Our 'apps' or otherwise) relating to You. In this Master Privacy Policy, "**You**" and "**Your**" and "**User**" refer to an identified or identifiable natural person being the User of the Site and/or client (or prospective client) of any of Our services.

Our full details, including contact details, can be read below.

**You may be reading this Privacy Policy as a User or visitor of the Site or You may have been directed here by one (or more) of Our condensed privacy policies or Our other notices.**

Although this Privacy Policy provides detailed, layered information on how and why *We generally* process Personal Data (via the Site, inclusive of Internet Banking, any of Our 'apps', or otherwise) as well as detailed information about Your various rights, the specific and tailor-made content of such condensed policies or other notices will, in most cases, provide You with more focused and detailed information on *specific* processing operations (for example, the specific legal basis for processing certain categories of Personal Data and the specific purpose for doing so depending on the matter at hand).

Although Our goal is to always be as clear and transparent as possible, We appreciate that legal documents can sometimes be difficult to read. However, We strongly encourage You to read this Privacy Policy (which is layered for Your convenience) with care. **Please do not hold back from contacting Us for any clarification You may need.** For example, if You need clarification on a specific legal basis We are relying on to process Your Personal Data for a specific processing operation, We would be happy to provide You with any such information You may need.

### CONTENTS OF THIS MASTER PRIVACY POLICY

- INTRODUCTION
- CONTENTS OF THIS MASTER PRIVACY POLICY
- APPLICABLE LAWS
- WHAT IS PERSONAL DATA?
- PERSONAL DATA WE COLLECT ABOUT YOU
- HOW AND WHY WE COLLECT PERSONAL DATA
- PERSONAL DATA RELATING TO THIRD PARTIES
- WHAT WE USE YOUR PERSONAL DATA FOR (PURPOSE OF PROCESSING)
- SPECIAL NOTE ON CONSENT
- ACCURACY OF PERSONAL DATA
- DIRECT MARKETING
- TRANSFERS TO THIRD COUNTRIES
- INTERNET COMMUNICATIONS
- AUTHORISED DISCLOSURES
- SHARING OF PERSONAL DATA WITH OTHER CATEGORIES OF RECIPIENTS
- SECURITY MEASURES
- ADDITIONAL SECURITY MEASURES IN INTERNET BANKING
- RETENTION PERIODS
- PROCESSING FOR RESEARCH AND STATISTICAL REASONS

- LINKS TO THIRD PARTY SOURCES
- COOKIES, WEB BEACONS & SPOTLIGHT TAGS
- MINORS
- AUTOMATED DECISION-MAKING
- YOUR RIGHTS UNDER THE DATA PROTECTION LAWS
  - YOUR RIGHT OF ACCESS
  - YOUR RIGHT TO RECTIFICATION
  - YOUR RIGHT TO ERASURE (THE RIGHT TO BE FORGOTTEN)
  - YOUR RIGHT TO DATA RESTRICTION
  - YOUR RIGHT TO DATA PORTABILITY
  - YOUR RIGHT TO WITHDRAW CONSENT
  - YOUR RIGHT TO OBJECT TO CERTAIN PROCESSING
  - YOUR RIGHT TO LODGE A COMPLAINT
  - WHAT WE MAY REQUIRE FROM YOU
  - TIME LIMIT FOR A RESPONSE
- COMPANY DETAILS
- UPDATES

## APPLICABLE LAWS

As an entity established in Malta, EU, the *main* privacy laws that are applicable to Us in so far as You are concerned, are as follows:

- The **Maltese Data Protection Act** (Chapter 586 of the Laws of Malta) as well as the various subsidiary legislation issued under the same – the ‘DPA’;
- The **Regulation (EU) 2016/679** of the European Parliament and of the Council 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, and repealing Directive 95/46/EC (**General Data Protection Regulation**) – the ‘GDPR’.

All the above referred to together as the **“Data Protection Laws”**

## WHAT IS PERSONAL DATA?

**“PERSONAL DATA”** means any information that identifies You as an individual or that relates to an identifiable individual.

Whenever it is not possible or feasible for Us to make use of anonymous and/or anonymised data (in a manner that does not identify any Users of the Site or customers of Our services), We are nevertheless **committed to protecting Your privacy and the security of Your Personal Data at all times.**

We collect Personal Data in various ways both digitally via the Site (either when You choose to provide Us with certain data or in some cases, automatically or from third parties) as well as non-digitally (for example when You fill in a physical form to benefit from one or more of Our services).

## PERSONAL DATA WE COLLECT ABOUT YOU

There are various **categories of Personal Data** that We collect about You, namely:

- **CONTACT DETAILS**  
Such as your name, surname, country and date of birth, ID number, residential and corresponding address, telephone and mobile number.
- **REGISTRATION DATA**  
Such as the Internet Banking username, password, country of residence, gender.

- **IDENTIFICATION DATA**  
Such as photo ID, passport information, National Insurance Number, Tax Identification Number, Social Security Number, nationality and citizenship.
- **FINANCIAL DATA**  
Such as invoices, pay slips, the value of your property or other assets, your credit history, credit capacity, financial products you have with BNF Bank, payment arrears and information on your income.
- **TRANSACTION DATA**  
Such as information we use to identify and authenticate you (e.g. your signature), your bank account number, deposits, withdrawals and transfers related to your account.
- **SOCIO-DEMOGRAPHIC DATA**  
Such as whether you are married and have children
- **OTHER DATA**  
Such as other information about you that you give us by filling-in forms or communicating with us, whether face-to-face, by phone, email, online, or otherwise
- **MARKETING DATA**  
Such as proof of opt-in consent (where needed), objections to marketing, mailing address and data obtained when participating in market research
- **GEOGRAPHIC INFORMATION**  
Such as information about which branches or ATMs you use, information included in customer documentation, marketing and sales information, cookies and similar technologies we use to recognize you.
- **RISK RATING INFORMATION**  
Such as credit risk rating and transactional behavior,
- **INVESTIGATION DATA**  
Such as due diligence checks, sanctions and anti-money laundering checks, external intelligence reports, content and other data related to relevant exchanges of information between and among individuals/organisations, including emails, voicemail and live chat.
- **RECORDS OF CORRESPONDENCE**  
Such as communication between us, including snail mail, telephone calls, emails, live chat, instant messages and social media communications.

In some cases, (for example, if You are a client, or prospective client of Our services, via the Bank's Site, telephone, app or otherwise) We may request additional Personal Data as a means of securely identifying You or for another similar lawful purpose. The additional information We may request from You to be able to provide You with Our services includes:

- More secure identification methods
- Credentials/references

Many of the categories of Personal Data above are collected directly from You (for example, Your Contact Details and Your Registration Data).

**WE MAY ALSO COLLECT PERSONAL DATA FROM OTHER SOURCES**, including data companies, publicly accessible databases (e.g. MFSA Registry of Companies), joint marketing partners, social media platforms, Credit Reference Agencies, the Central Credit Register maintained by the Central Bank of Malta, publicly available sources of information and other third parties.



We may also receive Personal Data about You from third parties when We need to confirm Your Contact Details or even certain Financial Information. Should this be the case, We will take all measures as required by law to further inform You about the source of such Personal Data as well as the categories of Personal Data We collect and process. There are certain instances at law where We are specifically forbidden from disclosing to You such activity (for example, when carrying out due diligence for anti-money laundering purposes).

For a detailed description of the reasons why We process the categories of personal data above (and any other specific personal data We process) as well as the corresponding legal ground(s) for doing so please see the 'What We Use Your Personal Data For (Purpose of Processing)' below.

For **Personal Data that We collect from other sources** please see the 'Collection of Data from other Sources' section below.

For information/**Personal Data that We may collect automatically** via the Bank's Site, please see the Cookies section below.

## HOW AND WHY WE COLLECT PERSONAL DATA

As a general rule, We do not collect any Personal Data, that is, information that identifies You as an individual **other than that which You choose to provide to Us** such as the data (including Contact Details and Registration Data) You provide when registering with Our Site (where this is available), when contacting Us with enquiries relating to Our goods and/or services, when subscribing to any service offered by Us or via Our Site, such as any newsletters as may be issued by Us from time to time or even when subscribing to any offers We (and/or Our affiliates and/or corporate partners) may offer from time to time (see Personal Data We Collect About You above).

Unless otherwise specified and subject to various controls, as a general rule, **We only collect Personal Data (from You or elsewhere) that We:**

- **Need to be able to provide You with the goods and/or services You request from Us;**  
or
- **Are legally required to collect/use and to keep for a predetermined period of time; or**
- **Believe to be necessary for Our legitimate business interests; or**
- **Received consent from you**

For a detailed description of the reasons why we process specific categories of personal data as well as the corresponding legal ground(s) for doing so, please see the 'What We Use Your Personal Data For (Purpose of Processing)' below.

## PERSONAL DATA RELATING TO THIRD PARTIES

By providing Us with or allowing Us to access Personal Data relating to individual's other than Yourself, You are letting Us know that You have the authority to send Us that Personal Data or the authority to permit Us to access those data in the manner described in this Privacy Policy.

## WHAT WE USE YOUR PERSONAL DATA FOR (PURPOSE OF PROCESSING)

The following is a description (in a clear and plain manner) of what We use Your Personal Data for and the corresponding legal ground(s) for doing so.

For more detail on what is meant by terms such as '**Contact Details**', '**Registration Data**' and other categories of Personal Data used in the tables below, please see the section above relating to Personal Data We Collect About You.

Please note that **WHERE WE RELY ON YOUR CONSENT, THIS CAN BE WITHDRAWN AT WILL** (See Special Note on Consent below).

PROSPECTIVE CLIENTS/USERS OF THE SITE/NEW CLIENTS OF OUR SERVICES:

PURPOSE OF THE PROCESSING	CATEGORIES OF PERSONAL DATA	LEGAL BASIS FOR PROCESSING
<b><i>Serving you as a customer</i></b>		
To set up a record on Our system	<ul style="list-style-type: none"> <li>• Contact Details</li> <li>• Registration Data</li> <li>• Identification Data</li> <li>• Financial Data</li> <li>• Transaction Data</li> <li>• Other Data</li> <li>• Risk Rating Information</li> <li>• Records of Correspondence</li> </ul>	Performance of a contract
To manage Our relationship with You		Performance of a contract Compliance with the legal obligations
Evaluating Your application/s, requests You send Us to use/receive any of Our services (NB see Automated Decision-Making section below to learn about how We evaluate certain requests by <b>solely</b> automated means		Performance of a contract
To be able to contact You for direct marketing		Legitimate interest Your consent
To be able to provide You with (some or all of) Our services – including Our Banking Services		Performance of a contract
<b><i>Business improvement</i></b>		
To subscribe to a newsletter or mailing list	<ul style="list-style-type: none"> <li>• Contact Details</li> <li>• Registration Data</li> <li>• Identification Data</li> <li>• Financial Data</li> <li>• Socio-Demographic Data</li> <li>• Other Data</li> <li>• Marketing Data</li> </ul>	Your consent
To be able to provide You with marketing material that You may have requested from us or that We may be authorised at law to provide You.		Your consent (where We need this)
To develop new ways to meet Our customers' needs and to grow our relationship		Legitimate interest
<b><i>Managing our operations</i></b>		
To deliver Our products and services	<ul style="list-style-type: none"> <li>• Contact Details</li> <li>• Registration Data</li> <li>• Identification Data</li> <li>• Financial Data</li> <li>• Transaction Data</li> <li>• Risk Rating Information</li> <li>• Records of Correspondence</li> </ul>	Performance of a contract
To make and manage Your payments		Performance of a contract
To manage fees, charges and interest due on Your accounts		Performance of a contract
To collect and recover money that is owned to Us		Performance of a contract

<i>Managing security, risk and crime prevention</i>		
To detect, investigate, report, and seek to prevent financial crime	<ul style="list-style-type: none"> <li>• Contact Details</li> <li>• Registration Data</li> <li>• Identification Data</li> <li>• Financial Data</li> <li>• Transaction Data</li> <li>• Risk Rating Information</li> <li>• Investigation Data</li> <li>• Records of Correspondence</li> </ul>	Compliance with the legal obligations
To carry out background, sanction, fraud and credit checks		Compliance with the legal obligations
To establish and investigate any suspicious behaviour to protect Our business from any risk and fraud		Compliance with the legal obligations
To comply with legal and regulatory obligations		Compliance with the legal obligations
To respond to complaints and seek to resolve them		Performance of a contract  Compliance with the legal obligations
<i>Business Management</i>		
To run Our business in an efficient and proper way. This including managing our financial position, business capability, planning, adding and testing systems and processes, managing and communications, corporate governance and audit	<ul style="list-style-type: none"> <li>• Contact Details</li> <li>• Registration Data</li> <li>• Identification data</li> <li>• Financial Data</li> <li>• Transaction Data</li> <li>• Geographic Information</li> <li>• Risk Rating Information</li> </ul>	Compliance with the legal obligations  Legitimate business interest
To exercise Our rights set out in agreements or contracts		Performance of a contract

Should We need to process Your data for a **new purpose** in the future, which is entirely unrelated to the above, We will inform You of such processing in advance and You may exercise Your applicable rights (as explained below) in relation to such processing.

Finally, do note that without certain Personal Data relating to You, We may not be in the position to provide some or all of the services You expect from Us or even to guarantee the full functionality of Our Site.

### **SPECIAL NOTE ON CONSENT**

For the avoidance of all doubt, We would like to point out that in those limited cases where We cannot or choose not to rely on another legal ground (for example, Our legitimate interests), We will process Your Personal Data on the basis of Your consent. In some cases, We will require Your explicit consent, for example, when, on the basis of Your explicit consent We will process special categories of data concerning You such as Your health data (what was previously referred to as 'sensitive Personal Data') that might be needed as part of Our processing of Your application for a credit facility with Us.

In those cases where We process on the basis of Your consent (**which We will never presume** but which We shall have obtained in a clear and manifest manner from You), **YOU HAVE THE RIGHT TO WITHDRAW YOUR CONSENT AT ANY TIME** and this, in the same manner as You shall have provided it to Us.

Should You exercise Your right to withdraw Your consent at any time (by writing to Us at the physical or email address below), We will determine whether at that stage an alternative legal basis exists for processing Your Personal Data (for example, on the basis of a legal obligation to which We are subject) where We would be legally authorised (or even obliged) to process Your Personal Data without needing Your consent and if so, notify You accordingly.

When We ask for such Personal Data, You may always decline, however should You decline to provide Us with necessary data that We require to provide requested services, We may not necessarily be able to provide You with such services (especially if consent is the only legal ground that is available to Us).

Just to clarify, **consent is not the only ground that permits Us to process Your Personal Data.** In the last preceding section above We pointed out the various grounds that We rely on when processing Your Personal Data for specific purposes.

#### ACCURACY OF PERSONAL DATA

All reasonable efforts are made to keep any Personal Data We may hold about You up-to-date and as accurate as possible. You can check the information that We hold about You at any time by contacting Us in the manner explained below. If You find any inaccuracies, We will correct them and where required, delete them as necessary. **Please see below for a detailed list of Your legal rights in terms of any applicable data protection law.**

#### DIRECT MARKETING

**We only send mail, messages and other communications relating to marketing where We are authorised to do so at law.** In most cases We rely on Your consent to do so (especially where We use electronic communications). If, at any time, You no longer wish to receive direct marketing communications from Us please let Us know by contacting Us at the details below or update Your preferences on any of Our Site(s) or apps (where applicable).

In the case of direct marketing sent by electronic communications (where We are legally authorised to do so) You will be given an easy way of opting out (or unsubscribing) from any such communications.

**Please note that even if You withdraw any consent You may have given Us or if You object to receiving such direct marketing material from Us (where We do not need Your consent), from time to time We may still need to send You certain important communications from which You cannot opt-out.**

#### TRANSFERS TO THIRD COUNTRIES

As a general rule, the data We process about You (collected via the Site, any of our apps or otherwise) will be stored and processed within the European Union (EU)/European Economic Area (EEA) or any other non-EEA country deemed by the European Commission to offer an adequate level of protection (the so-called 'white-listed' countries listed here: [https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en)).

In some cases, it may be necessary for Us to transfer Your Personal Data to a non-EEA country not considered by the European Commission to offer an adequate level of protection (for example to one or more of Our data processors located there). For the implementation of Your desired transaction it can be necessary that We disclose Your Personal Data to other banks outside the EEA.

For example, Personal Data in relation to transactions effected via SWIFT (Society for Worldwide Interbank Financial Telecommunication) may be required to be disclosed to the United States authorities in order to comply with legal requirements applicable in the United States for the prevention of crime.

In such cases, apart from all appropriate safeguards that We implement, in any case, to protect Your Personal Data, We have put in place additional adequate measures. For example, We have ensured that the recipient is Privacy Shield certified or is bound by the EU Standard Contractual Clauses (the EU Model Clauses) designed to protect Your Personal Data as though it were an intra-EEA transfer.

## INTERNET COMMUNICATIONS

You will be aware that data sent via the Internet may be transmitted across international borders even where sender and receiver of information are located in the same country. We cannot be held responsible for anything done or omitted to be done by You or any third party in connection with any Personal Data prior to Our receiving it, including but not limited to any transfers of Personal Data from You to Us *via* a country having a lower level of data protection than that in place in the European Union, and this, by any technological means whatsoever

As the Internet is an inherently insecure medium of communication, BNF does not send any customer information via electronic mail even if You (Our customer) requests it.

**We shall accept no responsibility or liability whatsoever for the security of Your data while in transit through the internet unless Our responsibility results explicitly from a law having effect in Malta.**

## AUTHORISED DISCLOSURES

Without prejudice to anything contained in this Privacy Policy and in the interest of full transparency, We reserve the right to disclose (and otherwise process) any relevant Personal Data relating to You which We may be processing (including in certain cases relevant IP addresses) to authorised third parties in or outside the EU/EEA if such disclosures are allowed under the Data Protection Laws (whether or not You have provided Your consent) including but not limited to:

1. For the purpose of preventing, detecting or suppressing fraud (for example, if You provide false or deceptive information about Yourself or attempt to pose as someone else, We may disclose any information We may have about You in Our possession so as to assist any type of investigation into Your actions);
2. in the event of BNF being involved in a merger, sale, restructure, acquisition, joint venture, assignment, transfer;
3. to protect and defend Our rights (including the right to property), safety, or those of Our affiliates, of Users of Our Site or even Your own;
4. to protect against abuse, misuse or unauthorised use of Our Site and Services;
5. for any purpose that may be necessary for the performance of any agreement You may have entered into with Us (including the request for provision of services by third parties) or in order to take steps at Your request prior to entering into a contract;
6. to comply with any legal obligations such as may arise by way of response to any Court subpoena or order or similar official request for Personal Data; or
7. as may otherwise be specifically allowed or required by or under any applicable law (for example, under anti-money laundering legislation).

## SHARING OF PERSONAL DATA WITH OTHER CATEGORIES OF RECIPIENTS

Relevant data will also be disclosed or shared as appropriate (and in all cases in line with the Data Protection Laws) to/with members and staff of BNF, to/with other entities within the BNF Group and/or to/with affiliated entities and/or sub-contractors established within the European Union if pertinent to any of the purposes listed in this Privacy Policy (including to/with Our services providers who facilitate the functionality of the Site and/or any service You may require). Personal information will only be shared by Us to provide the services You request from Us or for any other lawful reason (including authorised disclosures not requiring Your consent).

Any such authorised disclosures will be done in accordance with the Data Protection laws (for example all Our processors are contractually bound by the requirements in the said Data Protection Laws, including a strict obligation to keep any information they receive confidential and to ensure that their employees/personnel are also bound by similar obligations). The said service providers (Our processors) are also bound by a number of other obligations (in particular, Article 28 of the GDPR).



Your Personal Data will never be shared with third parties for their marketing purposes (unless You give Your consent thereto).

Your personal data will be made available to those people in our organisation who need it to carry out their duties and provide you with the services you expect from us. We also share it with:

- Other entities within BNF Group and/or any sub-contractors, agents or service providers who work for Us or provide services to Us, now or in the future (including their employees, sub-contractors, service providers, agents, directors and officers);
- Any joint account holders, trustees, beneficiaries, administrators, attorneys appointed via a power of attorney, curators or executors;
- People who give guarantees or other security for any amounts You owe Us such as guarantors and sureties;
- People You make payments to and receive payments from;
- Other financial institutions, lenders and holders of security over any property You charge to Us or pledge in Our favour, tax authorities, trade associations, credit reference agencies, payment service providers and debt recovery agents;
- Your beneficiaries, intermediaries, correspondent and agent banks and clearing houses
- Law enforcement, government, courts, dispute resolution bodies, Our regulators, auditors, advisors, consultants and any party appointed or requested by our regulators to carry out investigations or audits of Our activities;
- The Central Bank of Malta to update the Central Credit Register maintained by the Central Bank of Malta;
- Other parties involved in any dispute, including disputed transactions;
- Fraud prevention agencies who will also use it to detect and prevent fraud and other financial crime and to verify your identity;
- Anyone who provides instructions or operates any of Your accounts, products or services on your behalf, e.g. Attorneys, appointed by you through a power of attorney, lawyers, etc.

## SECURITY MEASURES

The personal information which We may hold (and/or transfer to any entity within BNF Group/affiliates/partners/subcontractors as the case may be) will be held securely in accordance with Our internal security policy and the law.

We use reasonable efforts to safeguard the confidentiality of any and/or all Personal Data that We may process relating to You and regularly review and enhance Our technical, physical and managerial procedures so as to ensure that Your Personal Data is protected from:

- unauthorised access
- improper use or disclosure
- unauthorised modification
- unlawful destruction or accidental loss.

To this end We have implemented security policies, rules and technical and organisational measures to protect the Personal Data that We may have under Our control. All our members, staff and data processors (including specific subcontractors, including cloud service providers established within the European Union), who may have access to and are associated with the processing of Personal Data, are further obliged (under contract) to respect the confidentiality of Our Users' or clients' Personal Data as well as other obligations as imposed by the Data Protection Laws.

Despite all the above, We cannot guarantee that a data transmission or a storage system can ever be 100% secure. For more information about Our security measures please contact Us in the manner described below.

Authorised third parties, and external/third party service providers, with permitted access to Your information (as explained in this Privacy Policy) are specifically required to apply appropriate technical and organisational security measures that may be necessary to safeguard the Personal



Data being processed from unauthorised or accidental disclosure, loss or destruction and from any unlawful forms of processing.

As stated above, the said service providers (Our data processors) are also bound by a number of other obligations in line with the Data Protection Laws (particularly, Article 28 of the GDPR).

## ADDITIONAL SECURITY MEASURES IN INTERNET BANKING

- **Communications**

All data exchanged in Our Internet Banking environment is processed in a secure session (SSL – Secure Socket Layer) and **encrypted** using 256 bit technology, DigiCert certified), protecting you against any attempted access by third parties. This technology does not require you to possess any additional software.

- **Encryption**

This is a process whereby the information sent by you or Our Internet Banking is transformed, so that it cannot be read or deciphered by anyone, except the intended recipient. The data is encrypted through the use of private keys/public keys method.

- **SSL (Secure Socket Layer)**

Standard protocol ensuring security and privacy in internet communications. The protocol supports client and server authentication. The SSL negotiates the opening of a secure session and the exchange of public keys before the exchange of data between the parties involved.

- **Approved browsers**

Access to Internet Banking is limited to browsers that meet the minimum security standards (as may be relevant from time to time) and support data encryption at 256 bits. Internet Banking must therefore be accessed through Microsoft Internet Explorer 11.0 or higher. Your latest browser must be able to handle at least TLS1.2

- **Contract number and individual secret code**

In order to authenticate access to Internet Banking you will need to enter a contract number (username) and a password using the randomised virtual keyboard or if you prefer your normal keyboard. This will identify the client. The contract number and the password are encrypted when sent over the internet. The access keys are assigned on registration.

- **Two Factor Authentication**

The 1<sup>st</sup> level code (or password) is for consulting account details and opening term deposits. The 2<sup>nd</sup> level code is for confirming you as the correct user, validating transfers and operations. This will require you entering the random 6 digit code you receive from us on your approved mobile.

- **Automatic suspension of access**

If the customer enters the Internet Banking access codes incorrectly on consecutive occasions, access will be automatically suspended.

- **Automatic cancellation of access**

If the customer fails to log out of Internet Banking after using the service, BNF has developed an automatic cancellation device, which takes effect after a given period of time.

Note also that customers must also accept an important part of the responsibility for the security of the service, keeping their access codes and contract numbers secret and logging out of Internet Banking (through the "Logout" option) whenever they end a session, or need to move away from the computer where they have opened the Internet Banking session. You are also advised to logout of an active Internet Banking Session while using your browser for another non-secure internet browsing.

By maintaining our commitment to these principles, we at BNF will ensure that we respect the inherent trust that you place in us.

## RETENTION PERIODS

**We will retain Your Personal Data only for as long as is necessary** (taking into consideration the purpose for which it was originally obtained). The criteria We use to determine what is 'necessary' depends on the particular Personal Data in question and the specific relationship We have with You (including its duration).

Our normal practice is to determine whether there is/are any specific EU and/or Maltese law(s) (for example tax or corporate laws) **permitting** or even **obliging** Us to keep certain Personal Data for a certain period of time (in which case We will keep the Personal Data for the maximum period indicated by any such law). For example, any data that can be deemed to be 'accounting records' must be kept for ten (10 years).

We would also have to determine whether there are any laws and/or contractual provisions that may be invoked against Us by You and/or third parties and if so, what the prescriptive periods for such actions are (this is usually five (5) years). In the latter case, We will keep any relevant Personal Data that We may need to defend Ourselves against any claim(s), challenge(s) or other such action(s) by You and/or third parties for such time as is necessary.

**Where Your Personal Data is no longer required by Us, We will either securely delete or anonymise the Personal Data in question.**

## PROCESSING FOR RESEARCH AND STATISTICAL REASONS

Research and statistics using User or client information is only carried out so that We may understand Our Users' and/or clients' needs, to develop and improve Our services/activities and/or for philanthropic goals representative of BNF's purpose. In any case, We will always ensure to obtain any consent We may legally require from You beforehand. As in all other cases, We will also ensure to implement all appropriate safeguards as may be necessary.

## LINKS TO THIRD PARTY SOURCES

Links that We provide to third-party websites are clearly marked and We are not in any way whatsoever responsible for (nor can We be deemed to endorse in any way) the content of such websites (including any applicable privacy policies or data processing operations of any kind). We suggest that You should read the privacy policies of any such third-party websites.

## COOKIES, WEB BEACONS & SPOTLIGHT TAGS

When You visit Our Site, We collect certain categories of Personal Data automatically through the use of cookies and similar technologies. For example, our **Internet Banking** uses essential session cookies to establish and maintain your banking session with us.

For more detailed information including what cookies are and how and why We process such data in this manner (including the difference between essential and non-essential cookies) please read Our detailed but easy-to-read Cookie Policy.



In any case You should note that **if your browser is set to disable cookies, you won't be able to access Internet Banking.**

BNF web pages may also contain electronic images, known as **web beacons** or **spotlight tags**. These enable BNF to count users who have visited certain pages on Our Site. Web beacons and spotlight tags are **not** used by us to access Your personal data. They are simply a tool We use to analyse which web pages customers view, in an aggregated manner.

## MINORS

The Site and Our services are not intended to be used by any persons who are not of age and therefore We will never intentionally collect any Personal Data from such persons. If You are under the age of consent, please consult and get Your parent's or legal guardian's permission to use the Site and to use Our services.

We shall consider that any Personal Data from under-age persons received by Us, shall be sent with the proper authority and that the sender can demonstrate such authority at any time, upon Our request.

## AUTOMATED DECISION-MAKING

If You are a prospective client trying to apply for a credit with Us, You will be subject to decision making taken solely by automated means, including profiling (at least at the first stage).

We use a system to decide whether to lend You money, when You apply for credit such as a loan, credit card or overdraft. This is called Credit Scoring. It uses data to assess how You are likely to act while paying back the amount of money You borrowed from Us. This includes data about similar accounts You may have had before. Credit Scoring uses data given to Us by You (through the application form), data We may already hold and other information We collect from other sources (e.g. information received from Credit Reference Agencies, the Central Bank of Malta's Central Credit Register and other reference databases)

Since such processing solely by automated means is necessary for You to enter into a contract with Us (if for example, Your credit score is acceptable to Us), We will process Your Personal Data in this manner on the basis of Our **Contractual Necessity** without needing Your consent (as per Article 22 of the GDPR).

If You are already a client of the Bank, We use your personal information to help decide if your accounts may be being used fraudulently, money-laundering purposes or financing of terrorism. We may detect that an account is being used in ways that fraudsters work. Or We may notice that an account is being used in a way that is unusual for you. If We think there is a risk of fraud, We may stop activity on the accounts or refuse access to them.

## YOUR RIGHTS UNDER THE DATA PROTECTION LAWS

Before addressing any request You make with Us, We may first need to verify Your identity. In all cases We will try to act on Your requests as soon as reasonably possible.

As explained in the Retention Periods section above, We may need to keep certain Personal Data for compliance with Our legal retention obligations but also to complete transactions that You requested prior to the change or deletion that You requested.

Your various rights at law include:

### Your Right of Access

You may, at any time request Us to confirm whether or not We are processing Personal Data that concerns You and, if We are, You shall have the right to access that Personal Data and to the following information:



- What Personal Data We have,
- Why We process them,
- Who We disclose them to,
  
- How long We intend on keeping them for (where possible),
- Whether We transfer them abroad and the safeguards We take to protect them,
- What Your rights are,
- How You can make a complaint,
- Where We got Your Personal Data from and
- Whether We have carried out any automated decision-making (including profiling) as well as related information.

Upon request, We shall (without adversely affecting the rights and freedoms of others including Our own) provide You with a copy of the Personal Data undergoing processing within one month of receipt of the request, which period may be extended by two months where necessary, taking into account the complexity and number of the requests. We shall inform You of any such extension within one month of receipt of the request, together with the reasons for the delay.

### Your Right to Rectification

You have the right to ask Us to rectify inaccurate Personal Data and to complete incomplete Personal Data concerning You. We may seek to verify the accuracy of the data before rectifying it.

### Your Right to Erasure (The Right to be Forgotten)

You have the right to ask Us to delete Your Personal Data and We shall comply without undue delay but only where:

- The Personal Data are no longer necessary for the purposes for which they were collected; or
- You have withdrawn Your consent (in those instances where We process on the basis of Your consent) and We have no other legal ground to process Your Personal Data; or
- You shall have successfully exercised Your **right to object** (as explained below); or
- Your Personal Data shall have been processed unlawfully; or
- There exists a legal obligation to which We are subject; or
- Special circumstances exist in connection with certain children's rights.

In any case, We shall not be legally bound to comply with Your erasure request if the processing of Your Personal Data is necessary:

- for compliance with a legal obligation to which We are subject (including but not limited to Our data retention obligations); or
- for the establishment, exercise or defence of legal claims.

There are other legal grounds entitling Us to refuse erasure requests although the two instances above are the most likely grounds that may be invoked by Us to deny such requests.

### Your Right to Data Restriction

You have the right to ask Us to restrict (that is, store but not further process) Your Personal Data but only where:

- The accuracy of Your Personal Data is contested (see the **right to data rectification** above), for a period enabling Us to verify the accuracy of the Personal Data; or
- The processing is unlawful and You oppose the erasure of Your Personal Data; or
- We no longer need the Personal Data for the purposes for which they were collected but You need the Personal Data for the establishment, exercise or defence of legal claims; or
- You exercised Your right to object and verification of Our legitimate grounds to override Your objection is pending.

Following Your request for restriction, except for storing Your Personal Data, We may only process Your Personal Data:

- Where We have Your consent; or
- For the establishment, exercise or defence of legal claims; or
- For the protection of the rights of another natural or legal person; or
- For reasons of important public interest.

### Your Right to Data Portability

You have the right to ask Us to provide Your Personal Data (that You shall have provided to Us) to You in a structured, commonly used, machine-readable format, or (where technically feasible) to have it 'ported' directly to another data controller, provided this does not adversely affect the rights and freedoms of others. This right shall only apply where:

- The processing is based on Your consent or on the performance of a contract with You; and
- The processing is carried out by automated means.

### Your Right to Withdraw Consent (when We rely on consent)

See Our Special Note on Consent for detailed information on this right (**which You may exercise at any time**).

### Your Right to Object to Certain Processing

In those cases where We only process Your Personal Data when this is 1.) necessary for the performance of a task carried out in the public interest or 2.) when processing is necessary for the purposes of the legitimate interests pursued by Us or by a third party, You shall have the right to object to processing of Your Personal Data by Us. Where an objection is entered, the processing of data shall cease, unless We as data controller provide compelling and legitimate grounds requiring the continuation of the data processing which outweigh the objections You may have raised.

When Your data is processed for direct marketing purposes, You have the right to object **at any time** to the processing of Your Personal Data, which includes profiling to the extent that it is related to such direct marketing.

For the avoidance of all doubt, when We process Your Personal Data when this is necessary for the performance of a contract, when necessary for compliance with a legal obligation to which We are subject or when processing is necessary to protect Your vital interests or those of another natural person, this general right to object shall **not** subsist.

### Your Right to lodge a Complaint

You also have the right to lodge complaints with the appropriate Data Protection Supervisory Authority. The competent authority in Malta is the Office of the Information and Data Protection Commissioner (OIDPC).

We kindly ask that You please attempt to resolve any issues You may have with Us first (even though, as stated above, You have a right to contact the competent authority at any time).

### WHAT WE MAY REQUIRE FROM YOU

As one of the security measures We implement, before being in the position to help You exercise Your rights as described above We may need to verify Your identity to ensure that We do not disclose to or share any Personal Data with any unauthorised individuals.

## TIME LIMIT FOR A RESPONSE

We try to reply to all legitimate requests within one month from receiving them. In some particular cases (for example, if the matter is particularly complex or if You send Us multiple requests), it may take Us longer than a month. In such cases, we will notify You accordingly and keep You updated.

## COMPANY DETAILS

**BNF Bank plc** a company registered in **Malta** with company registration number **C 41030** and whose registered office address is at **Level 2, 203, Due D'Argens, Gzira, Malta** is the data controller responsible for processing Your Personal Data that takes place via the Site or in the manner explained above (or in the condensed privacy policy or notice that directed You here).

If You have any questions/ comments about privacy or should You wish to exercise any of Your individual rights, please contact Us at: [dpo@bnf.bank](mailto:dpo@bnf.bank) or by writing to the Data Protection Officer (at the address above) by phoning Us using telephone number (+356) 2260 1000 (during normal office hours).

## UPDATES

We reserve the right, at Our complete discretion, to change, modify, add and/or remove portions of this Privacy Policy at any time. If You are an existing client with whom We have a contractual relationship You shall be informed by Us of any changes made to this Privacy Policy (as well as other terms and conditions relevant to the Site). We shall also archive and store previous versions of the Privacy Policy for Your review.

As a User of the Site with which We have no contractual relationship or even a lawful way of tracing, it is in Your interest to regularly check for any updates to this Privacy Policy (which are usually deemed to be effective on the date they are published on the Site), in the event that Our attempts to notify You of such updates do not reach You.

**Last Updated on 24<sup>th</sup> May 2018 – Version 1.3**