



## Notification to counterparties

### 1. Introduction

EFG Private Bank Limited, lawfully established in the United Kingdom (Park House, 116 Park Street, London W1K 6AP) (“we”) is committed to protecting your Personal Data (as defined below) by complying with the applicable data protection laws and regulations. This Privacy Notice to its counterparties (the “Notice”) describes the way by which we collect, use and process Personal Data relating to our counterparties (if they are natural persons) or their legal representatives, directors, beneficial owners or/ and contact persons, in case the counterparties are legal entities (“you”). This Notice covers Personal Data that is held electronically and also applies to paper-based filing systems. Our EU Representative is EFG Bank (Luxembourg) S.A. (<https://www.efginternational.com/lu.html>).

#### *Explanation of terms used in this Privacy Notice*

- Personal Data means information about an individual from which that person can be identified. It does not include information through which the natural person cannot be identified, or which relate to personal data that have been rendered anonymous in such a manner that the natural person may no longer be identified (anonymous data).
- EFG Group means the group of companies composed of EFG International AG and its worldwide affiliates (where an “affiliate” of, or a person “affiliated” with, a person is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified and “control,” including the terms “controlling,” “controlled by” and “under common control with,” means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise). A list of the countries in which EFG Group operates can be found here: <https://www.efginternational.com/Contacts.html>.
- EFG Entity means any company or branch of company that belongs to the EFG Group.

### 2. Types of Personal Data collected

The types of Personal Data that we may process include, as the case may be, inter alia:

- Name, surname, father’s name, mother’s name, email address, signature, products or services provided, as the case may be;
- Where the counterparty is a natural person: VAT number and Tax Authority, number of ID document, date of issue and issuing authority;
- Where the counterparty is a legal entity: working position within the counterparty/ capacity.

### 3. Sources of Personal Data

We collect your Personal Data:

- Directly from you;
- When it is provided to us by our counterparty in the context of our agreement or for the purpose of concluding an agreement;
- From other sources (e.g., publicly available sources, creditworthiness assessment companies, etc).

#### **4. How we use Personal Data**

##### *(a) Situations in which we may use your Personal Data*

We collect, use, disclose and store Personal Data for the following purposes:

- To choose a counterparty;
- To conclude an agreement with the counterparty;
- For the service of the agreement with the counterparty, including the management of the relevant payment fees under the agreement;
- To assess the cooperation with the counterparty;
- To safeguard our rights under the applicable law;
- To fulfil our obligations required by law;
- To safeguard the compliance with our internal policies/ proceedings;
- For research (market investigation, satisfaction survey etc.);
- For direct marketing purposes.

##### *(b) Legal basis for using your Personal Data*

We will only use your Personal Data when the law allows us to. Most commonly and depending on the situation in which we will use your Personal Data (see paragraph (a) above), we will use your Personal Data in the following circumstances:

- Where we need to perform the contract we have entered into with you or in order to take measures for its conclusion;
- Where we need to comply with a legal obligation;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests (e.g., to safeguard our legitimate interests, prevention of fraud, internal investigation);
- In limited circumstances, where you have given your consent, in which case your consent will be obtained, where applicable, separately.

##### *(c) If you fail to provide Personal Data*

If you fail to provide certain information when requested, we may not be able to enter into a contract with you/ perform the contract we have entered into with you. Please note that we may still process any available Personal Data.

#### **5. Recipients of your Personal Data**

We (and those parties to whom Personal Data is disclosed) may disclose Personal Data in the situations described below:

- To any EFG Entities;
- To third parties/ processors of your Personal Data (including other EFG Entities) who provide services to us (e.g., IT companies);
- To any court of any relevant jurisdiction or any relevant tribunal, mediator, arbitrator, ombudsman, taxation authority or regulatory or governmental authority;
- To public authorities, regulators or governmental bodies, when required by law or regulation, as well as receivers appointed on your behalf in enforcement cases;
- To our consultants and auditors;
- Otherwise, if you consent to such disclosure.

#### **6. Overseas transfers**

The recipients referred to in Section 5 above may be located outside of the United Kingdom (UK) and the European Economic Area. In those cases, except where the relevant country has been determined by the European Commission to provide an adequate level of protection (currently Andorra, Argentina, Canada, Switzerland, Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, New Zealand, Uruguay and Republic of Korea), we require such recipients to comply with appropriate measures designed to protect personal data. A copy of these measures can be obtained by contacting our Data Protection Officer (for contact details, see below under Section 8e).

A list of the countries in which EFG Group operates (inside and outside the European Economic Area) can be found here: <https://www.efginternational.com/Contacts.html>.

## **7. Retention of Personal Data**

We will retain Personal Data for as long as necessary to fulfill the purpose for which it was collected or to comply with legal, regulatory, accounting, reporting or internal policy requirements. To determine the appropriate retention period for Personal Data, we consider the applicable legal requirements, as well as the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorized use or disclosure of your Personal Data, the purposes for which we process your Personal Data and whether we can achieve those purposes through other means.

Further information on the retention periods of Personal Data can be requested from our Data Protection Officer (for contact details, see below under Section 8e).

## **8. Your rights and duties**

### *(a) Your duty to inform us of changes*

It is important that the Personal Data we hold about you is accurate and current. Please keep us informed if your Personal Data changes during your relationship with us.

### *(b) Your rights in connection with Personal Data*

Under certain circumstances, and subject to applicable law, you have the right to:

- Request access to your Personal Data (commonly known as a “data subject access request”). This enables you to receive a copy of the Personal Data we hold about you.
- Request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your Personal Data. This enables you to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Data where you have exercised your right to object to processing (see below).
- Object to processing of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your Personal Data for direct marketing purposes by writing to our Data Protection Officer (for contact details, see below under Section 8e) or using any opt-out facility specified by us in the relevant marketing communication.
- Request the restriction of processing of your Personal Data. This enables you to ask us to suspend the processing of Personal Data about you, for example if you want us to establish its accuracy or the reason for processing it.
- Where your data is processed by automated means and:
  - where we process your personal data on the basis of your consent, or

- where such processing is necessary for entering into or performing our obligations under a contract with you, request the transfer of your Personal Data to you or to another party (also known as “data portability”).
- Where we process your personal data on the basis of your consent, withdraw that consent at any time. Please also note that the withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.
- In certain circumstances, request not to be subject to automated decision-making, including profiling.

Certain of these rights are not absolute under the applicable legislation (as sometimes there may be overriding interests that require the processing to continue, for example); nonetheless we will consider your request and respond to you.

If you want to exercise your rights, as per above, you may contact our Data Protection Officer (for contact details, see below under Section 8e).

Finally, you have the right to lodge a complaint with the supervisory authority in the jurisdiction where you live or work, or in the place where you think an issue in relation to your data has arisen (for the UK: <https://ico.org.uk>).

*(c) No fee usually required*

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee depending on the nature of the request and applicable regulation.

*(d) What we may need from you*

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it.

*(e) Queries relating to the processing of your Personal Data*

If you have a query regarding the processing of your Personal Data, please contact our Data Protection Officer by sending a letter to the mailing address (EFG Private Bank Ltd. Leconfield House, Curzon Str., London, W1J 5JB, to the attention of the Data Protection Officer) or at [dpo@efgl.com](mailto:dpo@efgl.com).

**9. Changes to this Notice**

We reserve the right to update this Notice at any time, and we will notify you either in writing or by updating this Notice on our website at: <https://www.efginternational.com/uk>. Any changes to this Notice are applicable by the time of its update on our website, unless otherwise provided.