

PRIVACY NOTICE

ANZ BANK (VIETNAM) LIMITED

November 2023



PRIVACY NOTICE

ANZ Bank (Vietnam) Limited

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

The purpose of this Privacy Notice ("**Notice**") is to make you aware of how we will collect, use, disclose, and/or otherwise process (i.e., any acts impacting Personal Data) (collectively, "**process**") Personal Data (i.e., information associated with an individual or enabling the determination of an individual's identity) and the measures and processes we have put in place in order to ensure that we comply with applicable Vietnamese laws on personal data protection, including Decree No. 13/2023/ND-CP on Personal Data Protection (as amended, supplemented or replaced from time to time) ("**Vietnam PDPD**").

1. SCOPE

1.1 This Notice is given by ANZ Bank (Vietnam) Limited, a commercial bank registered under the laws of Vietnam, having its head office at 10th Floor, Tower 2, Capital Palace, 29 Lieu Giai Street, Ngoc Khanh Ward, Ba Dinh District, Hanoi, Vietnam ("**ANZ Vietnam**", "**we**" or "**us**", "**our**") to you (collectively referred to as "**you**" or "**your**"). We act as a Controller and/or a Controlling and Processing Entity for the Personal Data we collect about you or during the course of our dealings with you. This means that we determine the purposes for and the manner in which we or our Processors process your Personal Data. If you are a customer of ANZ Vietnam, Personal Data that we collect may include Personal Data about your founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, employees, agents, consultants, contractors, payers and intended payees, and those of your associated entities such as employees and authorized representatives of your group companies, subsidiaries, or partnerships. If you are a vendor of ANZ Vietnam, Personal Data that we collect may include Personal Data about your founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, individual contacts, contractor, subcontractor or your employees who perform the services that you provide to ANZ Vietnam, or any other relevant individuals.

If you provide ANZ Vietnam with Personal Data about you, your founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, employees, agents, consultants, contractors, subcontractors, payers and intended payees, and those of your associated entities such as employees and authorized representatives of your group companies, subsidiaries, or partnerships or if you direct someone else to give their Personal Data to ANZ Vietnam, you must show that person a copy of this Notice so that they can understand the manner in which their Personal Data may be processed.

The terms 'Controller', 'Controlling and Processing Entity', 'Data Subject', 'Processor' and 'Personal Data' are as defined in the Vietnam PDPD.

2. WHAT PRIVACY NOTICE COVERS

2.1 This Notice covers:

- (a) **What Personal Data we collect about you;**
- (b) **How we obtain your Personal Data;**

- (c) **Processing purposes & legal bases;**
- (d) **Recording communications with you;**
- (e) **International Transfers of your 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 may process the following types of Personal Data which we collect about your founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, employees, agents, consultants, contractors, payers and intended payees, and those of your associated entities such as employees and authorized representatives of your group companies, subsidiaries, or partnerships (as is appropriate from time to time):

- (a) First and last name, middle name, email address, home address and other contact details;
- (b) Date of birth;
- (c) Gender;
- (d) Place of work;
- (e) Place of birth and nationality;
- (f) Residential address, address of permanent residence registration and other current place of residence (if any);
- (g) Hometown;
- (h) Occupation and position;
- (i) Phone number;
- (j) CCTV and video recordings;
- (k) Any identifiable information in publicly available sources;
- (l) Identification documentation, such as copy of the passport, driving licence, ID card, visa or such other documentation as is required by local law (including the documentation number, date and place of issuance);
- (m) Transaction and account information;
- (n) Tax identification number;
- (o) Details of preferences for types of products or services, marketing events or materials in the context of their employment with you;
- (p) 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;
- (q) Working profile;
- (r) Authorised signatory lists including facsimiles of the signatures of your founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, employees, agents, consultants, contractors, payers and intended payees, and those of your associated entities such as employees and authorized representatives of your group companies, subsidiaries, or partnerships;

- (s) Certain information from data subjects which we may use cookies to automatically collect from their devices when they visit, browse, or use our websites, online banking or mobile applications; and
- (t) Other Personal Data that is regarded by law as specific and requires necessary security measures.

3.2 We may collect and process Personal Data (as set out above) that could include “Sensitive Personal Data” as defined in the Vietnam PDPD. Sensitive Personal Data is Personal Data associated with an individual's privacy that, when violated, will directly affect the individual's legitimate rights and interests. Sensitive Personal Data we collect and process might include transaction and account information and location data. We have suitable and specific measures in place to safeguard the fundamental rights and the interests of the Data Subject and if there is any change to the processing of any Sensitive Personal Data that we may collect or process in relation to you, we will keep you informed.

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, to enable you to provide your services and products to us, 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 our relationships with you, or provide services or products to you, or consume the products or services that you provide. 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 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 founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, employees, agents, consultants, contractors, payers and intended payees, and those of your associated entities such as employees and authorized representatives of your group companies, subsidiaries, or partnerships 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 or permit to process your request, provide, manage, or administer a transaction, a product or service, and any additional information provided by you or others during the course of you or us providing services to the other, including:

- (a) in requests, 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” (“KYC”) 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;
- (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; and
 - (d) in other instances where you provide us with your Personal Data.

4.2 We may also collect information about you that is publicly available.

5. PROCESSING PURPOSES & LEGAL BASES

5.1 We may collect and process your Personal Data by automated and/or non-automated means. 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 monitor and assess compliance with ANZ Vietnam's policies and standards, as otherwise permitted or required by any applicable law or regulation;
 - (iii) to identify persons authorised to trade on behalf of our clients, as otherwise permitted or required by any applicable law or regulation;
 - (iv) for administrative purposes in relation to the security and access of our systems, offices, platforms and secure websites and applications, as otherwise permitted or required by any applicable law or regulation;
 - (v) 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
 - (vi) to comply with court orders and exercise and/or defend our legal rights, as otherwise permitted or required by any applicable law or regulation.
- (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, as otherwise permitted or required by any applicable law or regulation, including:
 - (i) for our client onboarding purposes, such as to collect and verify KYC information of your founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, employees, agents, consultants, contractors, payers and intended payees, and those of your associated entities such as employees and authorized representatives of your group companies, subsidiaries, or partnerships; to capture information of the above individuals for the purpose of screening before entering into a contractual relationship with you and/or before opening your account with us; to capture information of signatories, eBanking users in relevant systems to facilitate your account operation;

- (ii) for account maintenance purposes, such as to collect and capture information of your new signatories, agents, and eBanking users; to update changes to Personal Data of your existing signatories, agents, and eBanking users;
 - (iii) for KYC review, such as to review your KYC information to ensure the information is up to date; to collect updated Personal Data and make relevant updates to KYC records accordingly;
 - (iv) for delivering products and/or services to you, including processing, assessing and determining any applications or requests made by you in connection with our products and/or services;
 - (v) for performing the vendor contract to which you act as the service and/or product provider to us.
- (c) you confirm that your founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, employees, agents, consultants, contractors, payers and intended payees, and those of your associated entities such as employees and authorized representatives of your group companies, subsidiaries, or partnerships consent to the processing of their Personal Data on the basis set out in this Notice including in relation to the processing of your Personal Data for promotional and marketing materials and activities and to contact you about the services and products we offer.

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 founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, employees, agents, consultants, contractors, payers and intended payees, and those of your associated entities such as employees and authorized representatives of your group companies, subsidiaries, or partnerships and our founders, beneficial owners, ultimate beneficial owners, directors, legal and authorized representatives, employees, agents, consultants, contractors or other personnel and non- ANZ personnel/ individuals (such as employees of our clients). We only do this for legitimate business purposes or other purposes permitted or required by law. We collect and process 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 material.

7. INTERNATIONAL TRANSFERS OF PERSONAL DATA

7.1 Because we are a member of a global organisation, your Personal Data may be transferred to and processed by entities within or outside our group of companies other than ANZ Vietnam.

- 7.2 Where local regulations permit, your Personal Data will be processed in (including accessed in or stored in) a country or territory outside Vietnam for the purposes set out in Section 5, which may offer the same level of protection of Personal Data. We will ensure that we have adequate data protection 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 have any question or concern regarding the international transfers of your Personal Data please write to us at the address set out in Section 13 below.
- 7.3 In accordance with the local regulations, your Personal Data will be shared where required in compliance with the law, or necessary for the performance of a contract to which you are a party, or with your consent, or when other exceptions apply.
- 7.4 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 Vietnam. 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: Australia, China, Fiji, India, New Zealand and Philippines. In some countries, the law might compel us to share certain Personal Data, e.g., with their local tax authorities or Central Bank. Even in these cases, we will only share the Personal Data with people who have the right to see it.

8. WHEN WE MAY DISCLOSE YOUR PERSONAL DATA

- 8.1 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.
- 9.2 Although we strive our best to secure Personal Data, we might not be able to completely prevent any third parties such as hackers from obtaining unauthorized access to your Personal Data. In case of a data breach, we will comply with all reporting and remedial obligations under applicable laws.

10. RIGHTS AND OBLIGATIONS OF THE DATA SUBJECT IN RELATION TO THE PERSONAL DATA WE COLLECT

- 10.1 The Data Subject has the following rights in relation to the Personal Data that we collected about them:
- (a) Right to be Informed: This enables the Data Subject to be informed of the Personal Data processing, unless provided otherwise by a Law of Vietnam;
 - (b) Right to Consent: This enables the Data Subject to consent wholly or partially to the Personal Data processing, unless otherwise provided by the laws of Vietnam;
 - (c) Right to Withdraw: This enables the Data Subject to withdraw their consent to our processing of Personal Data, which the Data Subject can do at any time. We may continue to process the Data Subject's Personal Data if we have another legitimate reason to do so;
 - (d) Right to Access: This enables the Data Subject to access Personal Data in order to view, correct, or request the correction of Personal Data, unless provided otherwise by a Law of Vietnam;
 - (e) Right to Erasure: This enables the Data Subject to ask us to delete their Personal Data in certain circumstances (e.g., when the Data Subject objects to Personal Data processing and we do not have any legitimate reasons to keep processing their Personal Data), unless provided otherwise by the laws of Vietnam;
 - (f) Right to Object: This enables the Data Subject to object to the processing of their Personal Data in order to prevent or restrict the disclosure or use of Personal Data for advertising and marketing purposes, unless otherwise provided by a Law of Vietnam;
 - (g) Right to Restrict: This enables the Data Subject to ask us to restrict the processing of their Personal Data, unless otherwise provided for by a Law of Vietnam;
 - (h) Right to Provision: This enables the Data Subject to request a copy of their Personal Data, unless otherwise provided by a Law of Vietnam;
 - (i) Right to Lodge a Complaint, Denunciation, and Lawsuit: This enables the Data Subject to file a complaint, denunciation, and lawsuit under the laws of Vietnam;
 - (j) Right to Claim Damages: This enables the Data Subject to claim damages when there is a violation against Personal Data protection regulations, unless otherwise provided by a Law of Vietnam or agreed between the Data Subject and us; and
 - (k) Right to Self-defense: This enables the Data Subject to self-defend or request a competent agency or organization to take measures to protect civil rights under the laws of Vietnam.
- 10.2 If the Data Subject wishes to proceed with their rights with regard to the Personal Data as mentioned above, the Data Subject and/or you (if you are duly authorized by the Data Subject)

can make such a request by writing to us at the address set out in Section 13 below. We will respond to the request within the time prescribed by applicable law.

- 10.3 In case you submit a request on behalf of the Data Subject, 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, together with a valid authorization letter.
- 10.4 In the event that you and/or the Data Subject wish to make the complaint about how we process Personal Data, please contact us and we will try to consider the request as soon as possible. This does not prejudice your/the Data Subject's right to file the complaint with a government authority that has a data protection authority.
- 10.5 Besides, the Data Subject will have the following obligations:
- (a) Protect their Personal Data; request relevant organizations and individuals to protect their Personal Data;
 - (b) Respect and protect others' Personal Data;
 - (c) Fully and accurately provide their Personal Data when consenting to the processing of their Personal Data;
 - (d) Participate in the dissemination of Personal Data protection skills; and
 - (e) Comply with regulations of the laws on protection of Personal Data and prevent violations against regulations on Personal Data protection.

11. 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. Subject to any legal or regulatory requirements, we will then delete or de-identify your Personal Data (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 the relevant location sites on <https://www.anz.com/institutional/global/vietnam/en/disclosures#personal-data-protection> (displayed in English) and <https://www.anz.com/institutional/global/vietnam/vie/disclosures#personal-data-protection> (displayed in Vietnamese). If it is required by applicable laws, we will notify you and/or request you to obtain valid consents from relevant Data Subjects to any updates to the updated Notice.
- 12.2 This Notice was last updated on November 2023.

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 and your associated entities, 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:

Email: PDPDVietnam@anz.com

Alternatively, contact your ANZ representative, explaining that your communication is in relation to data protection.