

**FIMBANK**

February 2021

## A brief introduction

FIMBank p.l.c. is committed to protecting the data pertaining to its clients that it holds as data controller. For such reason, in exercise of our transparency and in compliance with our obligations under the General Data Protection Regulation, this Privacy Notice has been compiled. This notice provides with the opportunity to inform you of the information that we collect and hold about you, the purposes for such collection, how that information is being used, with whom and in which special circumstances it is shared, for how long it is retained and what processes are undertaken to ensure that your information remains confidential and secure. It is for such reason that we kindly ask that you read this notice very carefully.

Throughout this notice the expressions “you”, “your” and “yourself” shall refer to yourself as a client of FIMBank or authorised person to represent yourself as a client of FIMBank (eg. trustee or executor, curator, guardian, attorney under a Power of Attorney) and any other such authorised person. On the other hand, “we”, “our” and “us” shall refer to the FIMBank Group which acts as data controller of your personal data and unless stated otherwise elsewhere, the data controller for the purposes of this notice shall be FIMBank p.l.c. having company registration number C17003 with registered address at Mercury Tower, The Exchange Financial & Business Centre, Elia Zammit Street, St. Julian’s STJ 3155, Malta. The FIMBank Group shall refer to FIMBank p.l.c. and/or any of, its affiliates, subsidiaries, associated entities and any of its branches or offices. Members of the FIMBank Group include but are not limited to: FIM Property Investment Ltd, FIM Business Solutions Ltd, and London Forfeiting Company Ltd.

This notice applies to all our products and services including savings and other bank accounts offered by us including facilities and overdrafts. There may arise the occasion when the contents of this notice conflicts or is inconsistent with the terms of any other product, service, or agreement between you and us. In such instance, the content of this notice shall prevail. Some members of the FIMBank Group may have their own Privacy Notices which may be different from this notice. Therefore, you are requested to carefully read their respective notices even when provided through a link on our website. If you are a customer of one of these businesses, please also read their Data Privacy Notice. Notwithstanding anything herein mentioned, any consents, authorisations, waivers and permissions that were already provided by yourself to us, shall continue to apply in full force and effect, to the extent permissible by applicable law.

## When and how your data is collected

The information pertaining to you shall be collected by us in line with what is necessary in terms of the relevant regulations and legislations and what is required for the better conduct of our business for your benefit. The reasons for gathering your data are various and the sources from where this information is collected are several.

Certain information may be provided to us by yourself when we are asked to provide you with a product or service and for which you may for example be required to provide to us with your ID card. We may also be provided with this information verbally or in writing (eg. on an application or complaint form) by yourself or others such as your financial advisor, nominee, notary, trustee, broker, or other member of the FIMBank Group.

Your information may further be acquired from the use of our website, online services, phone calls, emails or personal visits to our offices, as well as from the use of our products or services (eg. transactions to and from your account, amounts of transactions made, and details of who you get money from). We might also get your data from publicly available sources (eg. social media, trade registers, and websites).

We may retain information about you provided to us by third parties, which information may be in relation to your transaction history, succession or information pertaining to your accounts or holdings with other companies, among other things. This information may also be collected from public records, and data open on the internet, and will be held and used in accordance with this Privacy Notice.

Should you choose not to give us any of your personal information which we may be required to collect, hold or process in any manner defined above or throughout this Privacy Notice, where appropriate, this may delay or prevent us from adhering to our duties and obligations. In addition to this, we may be restricted from performing our services to you accordingly and as a result of such restriction our product or service provided to you may be cancelled. That being said, your withdrawal of consent shall not affect the lawfulness of processing your personal data in compliance with applicable laws and regulations.

## The information we collect about you

We collect and use various kinds of personal data which fall into several categories, including but not limited to the below:

### • Identity and Contact Information

Identification Information includes your full name and surname; previous names and surnames; gender; date and place of birth; copies of photo identity card and passport; nationality; home status and address; National Insurance Number; marital status; family details; tax residency and tax related information; online user identities and subscriptions (for digital banking and mobile banking apps).

Contact Information includes your home address; email address; landline and mobile numbers; work and personal phone numbers.

### • Personal Details and Information

In addition to the above Identification and Contact information, personal information also includes technologies (eg. cookies, IP Address) which we may use to recognise you and maintain information pertaining to your site preferences – further information on our cookie policy may be found at <https://www.easisave.com/Legal/Cookies-Policy>.

Personal details also include your signature which may be used for identification and authentication purposes, geographic information, CCTV images at our offices (for security reasons alone), and telephone and image recordings. Data pertaining to you may also be collected from anti-money laundering checks, sanctions, due diligence checks, external intelligence reports and other sources for compliance purposes.

### • Financial Details and Associations

Financial Details include your bank account details, credit and debit details; payment details and history; pension and investment details; payments into your account including salary details; financial needs/attitudes; outcomes of contracts; ability to obtain and manage credit; all your financial information; products and services used; methods of interaction with us; power of attorney arrangements and information on authorised signatories.

Associations include information on your marital status, family, friends, and business partners and whether you are financially connected to another person. A financial link may be created between your records and those of any such other person or entity.

### • Correspondence

Correspondence includes all information that you provide us with face-to-face, telephonically, by post, email, online or otherwise.

### • Marketing and Communications Data

Your information and opinions may be collected from market researches in which you may participate as well as your communication preferences. Marketing and sales information pertaining to you may also be collected from your preferences in receiving marketing and details of services from us.

### • Other Information

Information may be collected relating to your succession and the relative heirs. This includes testamentary deeds, court and notarial searches into your succession as well as court decrees; the personal details of legatees, heirs and testamentary executors. Permissions, consents or preferences provided to us by yourself, regulating our relationship with you, shall also be collected.

If you read or download information from our website, we automatically collect and store the following non-personal information:

- The requested web page or download;
- Whether the request was successful or not;
- The date and time when you accessed the site;
- The Internet address of the web site or the domain name of the computer from which you accessed the site;
- The operating system of the machine running your web browser and the type and version of your web browser.

N.B. you are kindly informed that you are responsible with providing us with updated, correct and accurate information. You are to inform us immediately and without undue delay of any changes to the information that was provided to us about you. Furthermore, kindly ensure that when you provide us with information pertaining to another person, that person is appropriately directed to this Privacy Notice and that you have collected the consent of such other person for the disclosure of the relative information.

## Tracking and recording of information

For security purposes, the communication exchanged between yourself and us may be tracked and recorded. Logs of this communication, which includes telephone conversations, email correspondence, letters, meetings held in person and other forms of communication may be recorded and stored by us. This recording also comprises of closed circuit television (CCTV) in and around our premises which shall capture visual images of you, and record your voice. The records of such communications are used by us in order to ascertain correct understanding of your instructions, to understand your needs and improve our products and services offered to you, to identify and prevent instances of potential criminal activity and to manage risk.

## How we use your information

The information that we hold about you shall always be used in terms of and in compliance with this Privacy

Notice. We shall not use your information unless we have your consent or have a lawful reason to use it. The reasons for the use of your information are the following:

- you have consented to the processing of your personal data;
- the processing is necessary to:
  - enter into a contractual agreement; and
  - exercise duties and obligations arising from a contract which you and us have entered into;
- the processing is necessary to comply with a legal obligation;
- the processing is necessary for us to establish, exercise and protect our legal rights;
- the processing is necessary to protect your vital interests, which solely applies to those instances of life or death situations; or
- the processing is necessary and in accordance with our legitimate interests.

### We further use your information to:

- provide our products and services to you and determine which of such are eligible to you;
- manage and administer your accounts, including taking your payment instructions;
- process payments that are paid to you or by you;
- contact you by telephone, email, fax, post, our digital banking website, or by any other means in terms of law and not contrary to your instructions;
- improve our product and service quality;
- test new products and services;
- manage our relationship with you by informing you about our products and services unless instructed otherwise;
- manage risk;
- detect or prevent illicit activity including fraud and financial crime;
- respond to and manage a complaint or proposals;
- conduct marketing activities, unless instructed otherwise;
- defend and protect our rights and support our regulatory obligations;
- ensure business continuity and security;
- compile a data profile to understand your choices and preferences in order to provide you with a better service and guide you accordingly;
- recover debts which you may owe us;
- process your applications for credit or financial services.

In further explanation of important items in the above, your information is used in our legitimate interest. Such our legitimate interest includes having the ability to contact you should your consent be required; updating of personal records; informing you about our products and services (unless instructed otherwise); complying with our legal obligations and duties arising both from law and contract:

- to detect and prevent illicit activity. This is not only in compliance with our legal and regulatory obligations, as well as in our legitimate interests, but also in line with our internal policies and procedures. This use shall consist in the performance of customer due diligence, transaction screening, building of risk profile and risk identification, sanction list screening, and government database checks. Aside from this, we may use such information to verify the identity of the entities to which you are making payments and from which you are getting paid; performing investigations on them; and ensuring that they are not subject to any sanctions. Kindly be informed that these processes may still be performed even if you have asked us to stop using your information. This information may be shared with the relevant authorities in those instances required by law. In pursuance of our fight against fraud and financial crime, we may take steps in order to prevent and manage risk.

- to defend our legal rights. Your personal information may be used when we rely on a legitimate interest and in so doing, protecting our legal rights. Such instances include the collection of debt; pursuing court litigation; and enforcing any securities held by us over you. Such action may not be taken solely against yourself, but also against other persons linked to you or to the specific relationship between you and us (eg. guarantors).
- to administer and provide products and services. To make and manage your payments to or from your accounts, as well as deliver utility of our products and services to the best possible standard.
- to perform marketing. Unless instructed otherwise by yourself to receive marketing, your data will be used for us to provide you with tailored information concerning our products and services which might interest you and to understand how you use our website, products and services.
- to compile data analysis and manage risk. Your information may be compiled and processed for the purposes of audit, research and statistics. This process, which includes the review of customer transactional behaviour and history, is done to assist us in understanding our customers and their behaviour, as well as helping us understand and manage our operational, reputational, financial, credit, legal, data and compliance risks better.
- to improve our products and services. Your information may be used to analyse, assess and improve our products and services in use by or available to you. This same information may be acquired from other companies in order to best meet your needs.
- to provide you with our digital banking platform. Our utilisation of your information may be necessary for being able to give you access to our digital banking portal and mobile applications (eg. FIMBank CAM) which may be used by yourself as a channel to communicate with us or apply for particular products or services.

## Special Categories of Data

“Special Categories of Data” refers to that data held by us, which is considered to be both sensitive and personal, and which by definition demands a higher level of protection. This information is only collected for the purposes of providing you with our products or services and is used where we have a legal obligation to do so. Given the nature of this information, we shall need further reason to justify its collection and processing. The use of this data may be made for several reasons, including for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity; where you have given your express consent; or where you have already made the information publicly accessible.

## Statutory and Regulatory Requirements

Your information shall be used in compliance with our obligations arising from the relevant laws and regulations by which we are bound. Such use relates to those instances in which we are to identify and prevent fraud, financial crime, tax evasion or other illicit activities (eg. funding of terrorism). We are also obliged to share with our regulators and other authorities that we are subject to. The use and appropriate sharing of such information, shall be done in compliance with our legal duties and obligations, in the performance of our legitimate interests and to identify and prevent criminal activity.

## Automated Processing of your information

Automated systems may be used in assisting us make decisions about you based on an evaluation of personal data that we hold about you. These processes are used to carry out a number of tasks, including proper customer due diligence checks in preventing financial crime; and tailoring our products and services to you based on study of your activities. This automated processing allows us to build a profile about you, and in so doing ensure that all decisions made are fair, lawful and correct.

Kindly be informed that you have the right to challenge the automated processing of your information by contacting us on the details found in the 'Contact Us' section.

## Marketing

We may use your information to inform you about our products and services that are relevant to you. The channels by which this information may be communicated to you is at your choice and it may be made by means of telephone, email, post, or through the online platform. You may also opt to stop receiving this marketing whenever you prefer by contacting us normally. It may be the occasion that you will continue receiving information about our products and services following your request for such termination, for a brief period of time until the appropriate orders are registered by the system responsible.

Your information may also be used by ourselves for market research or by market research agencies acting on our behalf. You may be contacted to participate in market research by the means with which you wished to be contacted. Your participation and any information provided to us or said agencies during said research shall be held anonymously unless instructed otherwise by yourself.

We will continue using your contact details in order to provide you with other relevant information pertaining to our relationship with you.

## For how long is your information held?

We will hold your information for a defined period of time depending on a number of factors and in line with our data retention policy and regulatory rules and legislative obligations. For example, your information must be retained by us for a period of five years in accordance with the Prevention of Money Laundering and Funding of Terrorism Regulations (S.L. 373.01) or for a period of ten or more years if we are bound to retain such information for legal, regulatory or technical reasons. The reasons for retention include our legitimate purposes in managing our relationship, your transactions and any disputes that may arise. In any case, the same level of protection is offered to this information during these periods and is immediately deleted, destroyed or anonymised if retention is no longer necessary.

## With whom we share your information

During the operation of our business relationship, we may share your personal information with a select number of entities, where necessary and lawful to do so, including:

- all our employees, subsidiaries, consultants, and associates including their employees, officers, directors, service providers and sub-contractors);
- any other entity in connection with a potential or actual corporate restructuring, merger, acquisition or takeover, including any transfer or potential transfer of any of our rights and duties under any agreement held by us with you;
- law enforcement agencies;
- courts of law, tribunals and other dispute resolution bodies;

- the Data Protection Commissioner;
- other governmental or competent authorities (eg. Malta Financial Services Authority and European Central Bank);
- local and international Financial Intelligence Agencies and other fraud and financial crime prevention agencies;
- the Central Bank of Malta to update the Central Credit Register;
- our auditors, regulators and any other entity appointed by our regulator to carry out investigations or audits of our activities;
- your authorised representatives (eg. attorney, intermediary, curator, executor or nominee) or any other person authorised by you to receive your information including your custodians and fund administrators;
- financial and legal advisors engaged by us;
- joint account or product holders or such similar applicant;
- correspondent and agent banks, merchant banks, clearing houses, market counterparties, payment service providers, swap or trade repositories, upstream withholding agents, and others that we need to share your information with to facilitate payments especially if transactions are effected via SEPA (Single Euro Payments Area), SWIFT (Society for Worldwide Interbank Financial Telecommunication) or other payment method. Such information will only be used in accordance with our instructions and provided adequate measures are established for the protection of such information;
- tax authorities, trade associations, credit reference agencies;
- Depositor Compensation Scheme;
- SEPA (Single Euro Payments Area);
- other financial institutions, lenders, holders and managers of security over any property you charge to us or pledge in our favour;
- debt collection agents and liquidators;
- entities that you make payments to and receive payments from;
- any entity that guarantees the performance of your obligations to us or provides indemnity to us concerning these obligations;
- other entities that you, your authorised representative, or your joint account holder, ask us to share your information with;
- market researchers;
- other entities involved in disputes related to you or transactions;
- insurers/re-insurers and insurance companies;
- IT and telecommunication service providers, data processors, and printing companies.

The above list refers to those instances in which we or the said third parties need to provide you with the products and services which you required, such as satisfying a payment request or enabling the grant of a facility. In many instances, such disclosure is a requirement imposed by law and regulations in the form of reporting, court action, protecting our legal rights and interests, as well as assisting in the detection and prevention of fraud and financial crime. Other instances include those specific disclosures allowed to be made by us by means of your express consent, and when disclosure is necessary as per our legitimate interests (eg. verification of your identity and managing risk).

## Aggregated or Anonymised Information

We may share aggregated or anonymised information in the form of non-personal and de-identified data within and outside of the FIMBank Group for several purposes, including research groups, data analytics, educational facilities, or for promotional purposes. The manner in which this information is provided, will not allow you to be identified in any manner.

## Sending Data outside of the EEA

You are hereby informed that some of the entities listed above and who may be in receipt of your personal information, may be based in locations outside of the European Economic Area (EEA). Since the laws in such third countries may not provide the same level of protection of your data as in the EEA, we shall endeavour to ascertain and ensure that there are appropriate safeguards established to protect your personal data which is transferred in such jurisdictions. Among other safeguards that we ensure are present is that the transfer of data is based on standard contractual clauses approved by the European Commission for transfers of personal data to third countries. Should you have any questions on the safeguards that we have and the procedures that we follow in these instances for data transfers, please feel free to contact us using the details found in the 'Contact Us' section.

## How your information is protected

Various methods are utilised by us to protect the information that we hold about you. These methods include strict administrative system controls restricting access by unauthorised personnel to personal data; strong technological security systems such as firewalls and anti-virus programmes; and personal security in the physical premises monitoring access. These security measures also extend to training of staff and their obligations to keep all personal information confidential and undertake the necessary procedures to use and transfer such data.

We also ensure that any third party entity to whom we shall be transferring information, as aforesaid, provides adequate proof that it has the appropriate and sufficient technological and organisational measures that meet the GDPR requirements. Kindly be informed that transfer of information over the internet, notwithstanding all the necessary and appropriate safeguards being applied, involves a certain element of risk and is never fully secure.

## What are your rights?

You have several rights in relation to the personal data that we hold about you. Your rights include:

- The right to be informed. You may request us to inform you with what data is being collected, how it is being used, how long it will be kept by us and whether it will be shared with any third parties.
- The right to access. Access requests may be submitted by yourself for which we shall provide you with a copy of any of your personal data.
- The right to rectification. Should you discover that your information held by us is inaccurate or incomplete, you may request that it be updated.
- The right to erasure (also known as 'the right to be forgotten'). You may request that we erase your data in certain circumstances, such as when the data is no longer necessary, the data was unlawfully processed or it no longer meets the lawful ground for which it was collected. This includes instances where you withdraw your consent.
- The right to restrict processing. You may request that we limit the way we use your personal data.
- The right to data portability. You may obtain your personal data and reuse it for your own purposes across different services. This information however only relates to that data provided to us by yourself by means of a contract or consent.
- The right to object. You may object to the processing of your personal data that is collected by us in our legitimate interests or on the satisfaction of an obligation in the interest/exercise of an official authority. To exercise any of your abovementioned rights please use the contact details set out in the 'Contact Us' section. You are also at liberty to complain to the data protection regulator in your country of residence or work, or to the Malta Information and Data Protection Commissioner's Office by visiting <https://idpc.org.mt>.



## Contact Us

If you would like to exercise any of your rights expressed herein or have any questions or would like more information on how your personal data is collected, stored, shared and used, you may contact our Data Protection officer, Avv. Andrea Batelli at:

**Address:**

FIMBank plc, Mercury Tower,  
The Exchange Financial & Business Centre,  
Elia Zammit Street, St Julian's,  
Malta

Telephone: +356 21322100

E-mail: [dpo@fimbank.com](mailto:dpo@fimbank.com)

## Changes to this Privacy Notice

This Privacy Notice may be updated from time to time and any changes thereto will be communicated to you in the manner by which you authorised us to contact you and shall be made available on our website.