

# Data Privacy

# EFG Harris Allday – Notification to clients and prospective clients

## 1. Introduction

EFG Harris Allday, a division of the EFG Private Bank Limited (“we”) is committed to protecting your Personal Data (as defined below) by complying with the applicable data protection laws and regulations. This Privacy Notice (the “Notice”) applies to our clients and prospective clients (“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. (Address: 56, Grand-Rue P.O. Box 385 - 2013 Luxembourg. Tel: +352 26 454 1).

### (a) 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).

Special Category Personal Data means information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic 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 at [www.efginternational.com](http://www.efginternational.com).

EFG Entity means any company or branch of company that belongs to the EFG Group.

## 2. Types of Personal Data collected

In the course of examining a prospective banking relationship with you and/ or providing services to you, we may process Personal Data and Special Category Personal Data. This may include the following information relating to you:

### (a) Information received from you, including but not limited to:

- Personal contact details such as name, title, addresses, telephone numbers and personal email addresses;
- Date of birth and place of birth;
- Gender;
- Marital status, dependents (name and age) and relations;
- Copies of identification documents, such as IDs, passports and driving licenses;
- National insurance number, social security number or other national/tax identifier;
- Information relating to criminal convictions or offences;
- Nationality, tax residence and country of residence;
- Employment details, income and source of wealth;
- Details of investments, assets owned and liabilities;
- Knowledge of and experience in investment matters; and
- Where applicable, personal details of any agent or attorney.

### (b) Information received from third parties, including:

- The above categories;
- Credit references;

- Publicly available information on business, personal associates and assets owned; and
- Other information from third-party sources, such as wealth screening services, fraud prevention agencies, intermediaries.

**(c) Information specific to our services, including:**

- Account numbers;
- Balances;
- Investment holdings;
- Transaction data;
- Records of phone calls, texts/SMSs or video captures;
- Information automatically recorded when you access our websites, including date and time of the access and IP address;
- Reports and statements; and
- Codewords.

**(d) Special Category Personal Data**

In some cases, where and to the extent permitted by the applicable legislation/regulations, we may process special categories of personal data, such as your political opinions or affiliations, health information, racial or ethnic origin, religious or philosophical beliefs, on the basis of your explicit consent, if required (in the form of an explicit statement or a clear affirmative action), or on any other lawful legal basis.

**(e) Other**

In relation to the evaluation of your application and/ or the services we provide to you or in general in relation to our contractual relationship, you may provide us with information about other persons (your additional card holders or account holders, business partners – including other shareholders or beneficial owners, dependents or family members, representatives, agents etc.). Before providing us with such information and/or any relevant mandate or consent, you should provide a copy of this Notice to those persons and acquire, to the extent necessary, their prior consent for the relevant transfer of their data to us and/or the processing of their data by us.

**3. Sources of Personal Data**

We collect your Personal Data:

- Directly from you, e.g., in application forms and through information provided during the onboarding process, including background and reference checks;

- When it is provided to us by a third party, e.g., public registers, credit reference agencies, fraud prevention agencies, providers of enhanced due diligence reports and financial intermediaries, other EFG Entities and joint account holders (if any);
- From publicly available sources (e.g., the internet and social media websites), where and to the extent permitted by the applicable legislation/ regulations.

When information is created as a result of generally providing services to you.

**4. How we use Personal Data**

**(a) 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 (b) below), 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 steps at your request prior to entering into any such contract;
- 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., assuring high level standards across EFG Group, ensuring compliance with our policies and procedures);
- Where it is needed in the public interest;
- Where necessary for the establishment, exercise and defense of legal claims;
- Where we need to protect your interests (or someone else's interests); and
- In limited circumstances, where you have given your consent.

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

The situations in which we may process your Personal Data are listed below.

- To confirm and verify your identity and credit status in relation to your application or account and, where applicable, to conduct an appropriateness assessment;

- To open, administer and operate your account and manage our relationship with you and to provide products or services to you (including carrying out or facilitating any transactions) as well as to improve the quality of our services;
- To monitor and analyse the contract for your accounts and relationship with us, to ensure compliance with our internal policies and/ or procedures and to be able to monitor risks and report them;
- To carry out business, operational and administrative activities, including record keeping and audits;
- To assess any credit limit or other credit decision (as well as the interest rate, fees and other changes to be applied to your account);
- To carry out statistical and other analysis, including profiling based on the products or services that you use or in which you might be interested, how you like to be contacted, etc.;
- To conduct a survey;
- To comply with any applicable laws and regulations and/or any voluntary code or industry best practice we reasonably decide to adopt;
- To comply with the request or requirement of any court of any relevant jurisdiction or any relevant tribunal, mediator, arbitrator, ombudsman, taxation authority or regulatory or governmental authority;
- To carry out the detection, investigation and prevention of fraud, tax evasion, money laundering, bribery, corruption, terrorist financing and other crime or malpractice and oversee and report on such detection, investigation and prevention activities;
- For use in connection with any legal proceedings or regulatory action (including prospective legal proceedings/ regulatory action) and for obtaining legal advice or for establishing, exercising or defending legal rights; and
- To give you information and marketing materials (by post, telephone, email or other medium using the provided contact details) about events, products and services offered by us which may be of interest to you.

#### **(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; in particular, several EFG Entities may act as controllers of your data, i.e. determine the purposes and means of the processing of your data and may share them amongst each other. The resulting transfers may be based on one or more of the legal bases listed in Section 4 (a) above, including the performance of the contract executed with you or taking steps at your request prior to entering into any such contract and/ or our legitimate interests and/ or the public interest. Processing may occur in one or more of the situations listed in Section 4 (b) above, including the confirmation of your status in relation to your application or account and/or the improvement of the quality of our services and/or the monitoring of the compliance with internal policies and procedures, as well as the applicable legislation.

- To third parties/processors of your Personal Data (including other EFG Entities) who provide services to us or that act as our agents (or prospective third-party service providers or prospective agents);
- To third parties in connection with a reorganisation (including investment), amalgamation, merger or transfer or sale of all or part of our business, including to any insurers and professional advisers, and any third parties to whom we assign, transfer or charge our interest in any financial product or service provided to you;
- 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 other financial institutions or organisations, payment recipients, clearing houses, clearing and settlement systems, stock exchanges, credit card associations etc., as the case might be;
- To any guarantor, where your account is backed by a guarantee, or to joint account holders (if any);
- To our auditors and professional advisers (and those agents, auditors, service providers and professional advisers of other EFG Entities);
- To insurers and information providers; or
- 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, Jersey, New Zealand, Uruguay and Japan), 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 at [www.efginternational.com](http://www.efginternational.com).

## 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 unauthorised 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. Moreover, the exercise of some of these rights may result in non-examining/rejecting your application or no longer being able to provide a product or service 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](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, Harris Allday division, Park House, 116 Park Street, London W1K 6AP, to the attention of the Data Protection Officer) or at [dpo@efgha.com](mailto:dpo@efgha.com).

#### **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 ([www.efgha.com](http://www.efgha.com)). We may also notify you in other ways from time to time about the processing of your Personal Data.

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EFG Private Bank Limited.

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