

# Airstar Bank Limited

## Privacy Principles and Notice Relating to the Personal Data (Privacy) Ordinance

Airstar Bank Limited ("we", "us", "our", the "Bank", including its successors and assigns)

### Our Data Privacy Principles

To preserve the confidentiality of all personal data ("**data**" or "**personal data**") that you provide to the Bank, we will adhere to the privacy principles (the "**Principles**") set out below. We will:

1. be clear and transparent as to how we collect and use data, including providing data subjects, including individual customers, corporate customers and representatives with a statement of how we may use their data where required;
2. only collect, process and store data lawfully and where we have a legitimate reason to do so;
3. collect and process data for specified and lawful purposes only, and we will not use it for further, incompatible purposes (a) without your consent, (b) unless required by the applicable laws and regulations or (c) unless we have previously informed you;
4. ensure that our collection, retention and processing of your data is proportionate, and we will strike an appropriate balance to ensure that we process sufficient data to provide our products and services to you, to carry on our business and achieve any specified lawful purposes, while making sure that we do not collect, retain or process excessive amounts of data;
5. maintain appropriate standards of data quality and integrity, and we will implement policies in respect of data accuracy, including taking steps to ensure that your data on our records remain accurate and up-to-date, where appropriate;
6. retain data securely, implement appropriate data retention policies, and dispose of any data securely once it is no longer required;
7. ensure that appropriate processes are put in place so only those acting on our behalf with a business requirement to access such data are authorised to do so;
8. ensure that those acting on our behalf with access to your personal data are trained appropriately on their obligations regarding those data;
9. ensure that data subjects' rights are observed in accordance with applicable data privacy laws and regulations;
10. where we appoint a service provider or agent, require them to apply standards equivalent to these Principles;
11. only disclose your personal data to external organisations if (a) we have your consent, (b) required by the applicable laws and regulations or (c) we have previously informed you;

12. disclose your personal data to governmental or judicial bodies or law enforcement or agencies or our regulators or any other authorities where this is allowed by the applicable laws and regulations; and
13. where we voluntarily transfer data to another [Group] entity (as defined below), third party or to another jurisdiction, ensure that the data transfer is lawful and that the recipient applies the same, or equivalent, standards as these Principles.

## **Notice Relating to the Personal Data (Privacy) Ordinance (The "Ordinance")**

### **Collection of Personal Data**

1. We may from time to time collect the data of customers and other individuals in connection with the purposes set out in this notice (the "**Notice**"). These customers and other individuals may include (but without limitation to) the following or any of them (collectively, "**data subjects**"): applicants for banking or financial services, persons giving or proposing to give guarantees or security for obligations owed to us, persons linked to a customer or an applicant that is not an individual, including shareholders, directors, controlling persons, officers and managers, partners or members of a partnership, an agent or nominee of a customer, or any other persons with whom a customer has a relationship that is relevant to the customer's relationship with the Bank. The collection of your personal data may be in connection with various matters, such as:-
  1. the opening or continuation of accounts held with the Bank;
  2. the provision or the continued provision of various banking or financial services by the Bank;or
  3. for the Bank to comply with any laws, regulations, rules or guidelines or requests issued by any governmental or judicial bodies or law enforcement or agencies or our regulators or any other authorities.
2. If the data requested by us is not provided, we may be unable to approve the opening of or continuing of accounts or to provide (or continue to provide) banking or financial products or services to you or to the relevant customer or applicant linked to you.
3. Data may be collected from (a) data subjects in the ordinary course of (or the continuation of) the customer's relationship with the Bank (e.g. when data subjects deposit money or apply for credit, etc.), (b) a person acting on behalf of the data subjects whose data are provided, (c) data subjects' use of the Bank's websites, mobile apps or any other means and (d) other sources (for example, information obtained from credit reference agencies). Data may also be generated or combined with other information available to the Bank or any member of the Group (the "**Group**" means Xiaomi Corporation, AMTD Group Company Limited, its affiliates, subsidiaries and associated entities and a "**member of the Group**" has the same meaning).

### **Purpose of use of Personal Data**

4. We will use data for the following purposes or any of them:

- i. considering and processing applications for banking and financial products and services (including applications for account opening and credit) and the daily operation of banking and financial products and services provided to you or the relevant customer linked to you (i.e. the data subject);
- ii. conducting credit checks at the time of application for banking and financial services (including applications for credit) and when we conduct any credit reviews which normally takes place one or more times each year;
- iii. creating and maintaining our credit and risk-related models;
- iv. assisting other financial institutions to conduct credit checks and collect debts;
- v. ensuring ongoing credit worthiness and good standing of data subjects;
- vi. designing and providing banking and financial products and services for data subjects' use (including verifying data subjects' identities in connection with the use of any such products and services such as to execute instructions or effect transactions);
- vii. analysing how data subjects access and use the Bank's services including services available on the Bank's websites, mobile apps or through any other means from time to time;
- viii. marketing services, products and other subjects (including in connection with direct marketing as detailed in paragraph 7 (Use of Personal Data in Direct Marketing) below);
- ix. determining the amount of indebtedness owed to or by data subjects;
- x. the enforcement of data subjects' obligations, including without limitation the collection of amounts outstanding from data subjects and those providing security or guarantee for data subjects' obligations owed to us;
- xi. meeting obligations, requirements or arrangements, whether compulsory or voluntary, of the Bank or any member of the Group, including (but without limitation to):
  - a. any law, regulation, judgment, court order, voluntary code, sanctions regime, within or outside the Hong Kong Special Administrative Region ("**Hong Kong**") existing currently and in the future (the "**Laws**");
  - b. any guidelines, guidance or requests given or issued by any legal, regulatory, governmental, tax, law enforcement or other authorities, or self-regulatory or industry bodies or associations of financial services providers within or outside Hong Kong existing currently and in the future and any international guidance, internal policies or procedures;
  - c. any present or future contractual or other commitment with any local or foreign legal, regulatory, judicial, administrative, public or law enforcement body, or governmental, tax, revenue, monetary, securities or futures exchange, court, central bank or other authorities, or self-regulatory or industry bodies or associations of financial service providers or any of their agents with jurisdiction over all or any part of the Group (together, the "**Authorities**" and each an "**Authority**") that is assumed by, imposed on or applicable to the Bank or any member of the Group; or

- d. any agreement or treaty between the Authorities;
- xii. complying with any obligations, requirements, policies, procedures, measures or arrangements for sharing data and information within the Group and/or any other use of data and information in accordance with any programmes for compliance with sanctions or prevention or detection of money laundering, terrorist financing or other unlawful activities;
- xiii. conducting any action to meet the obligations of the Bank or any member of the Group, to comply with Laws or international guidance or regulatory requests relating to or in connection with the detection, investigation and prevention of money laundering, terrorist financing, bribery, corruption, tax evasion, fraud, evasion of economic or trade sanctions and/or any acts or attempts to circumvent or violate any Laws relating to these matters;
- xiv. meeting any obligations of the Bank or any member of the Group to comply with any demand or request from the Authorities;
- xv. enabling an actual or proposed assignee of the Bank, or participant or sub- participant of the Bank's rights in respect of the data subject to evaluate the transaction intended to be the subject of the assignment, participation or sub- participation;
- xvi. exchanging information with merchants, business partners and co-branding partners of the Bank and/or any member of the Group (such merchants, business partners, co-branding partners, collectively, the “**Partners**”);
- xvii. performing any functions and activities related to the products and/or services provided by the Bank and/or its Group companies including, marketing, auditing, reporting, market research, and general servicing and maintenance of its products and/or services;
- xviii. any other purposes relating to the purposes listed above; and
- xix. any other purpose in accordance with the Bank’s general policies or those in relation to its banking and financial services as set out in any statements, circulars, notices or other terms and conditions made available by the Bank from time to time.

## **Disclosure of Personal Data**

- 5. Data held by the Bank or a member of the Group relating to a data subject will be kept confidential but the Bank or a member of the Group may provide such information to the following parties (whether within or outside Hong Kong) for the purposes set out in paragraph 4 above:
  - i. any agents, contractors, sub-contractors, service providers or associates of the Bank or any Group companies (including their employees, directors, officers, agents, contractors, service providers, and professional advisers);
  - ii. any third party service provider who provides administrative, mailing, telecommunications, information technology, computer, payment, debt collection or other services to the Bank or any Group companies in connection with the operation of its business (including their employees, directors and officers);
  - iii. any Authorities;

- iv. any person under a duty of confidentiality to the Bank including a member of the Group which has undertaken to keep such information confidential;
- v. any persons acting on behalf of an individual whose data are provided, payment recipients, beneficiaries, account nominees, intermediary, correspondent and agent banks, or a person making any payment into the customer's account;
- vi. credit reference agencies, and, in the event of default, to debt collection agencies;
- vii. any person to whom the Bank or any member of the Group is under an obligation or required or expected to make disclosure for the purposes set out in, or in connection with, paragraph 4(x), 4(xi) or 4(xii);
- viii. any actual or proposed assignee of the Bank or participant or sub-participant or transferee of the Bank's rights in respect of the data subject; and
- ix.
  - a. any member of the Group;
  - b. third party financial institutions, insurers, credit card companies, securities and investment services providers;
  - c. third party reward, loyalty, co-branding or privileges programme providers;
  - d. Partners;
  - e. charitable or non-profit making organisations; and
  - f. external service providers (including but not limited to mailing houses, telecommunication companies, telemarketing and direct sales agents, call centres, data processing companies and information technology companies) that the Bank engages.

**Such data may also be transferred to a place outside Hong Kong.**

**Provision of consumer credit data to Credit Reference Agencies ("CRA") and Debt Collection Agencies ("DCA") under the Code of Practice on Consumer Credit Data (the "Code")**

6. Pursuant to the Code issued under the Ordinance, we are required to, at the time of or before collecting data in connection with our provision of credit to the data subject, provide him with the information set out in the following paragraphs.
  1. We may provide personal data relating to a data subject (whether in sole name or joint names with others) to a CRA, and in the event of default to a DCA.
 

The CRA will use the relevant data supplied by the Bank for the purposes of compiling a count of the number of mortgages from time to time held by the data subject with credit providers in Hong Kong, as borrower, mortgagor or guarantor respectively and whether in the data subject's sole name or in joint names with others, for sharing in the consumer credit database of the CRA by credit providers (subject to the requirements of the Code.
  2. Under the Code, in relation to credit-related data concerning the data subject:

- i. the data subject has the right to be informed on request which items of data are routinely disclosed to CRAs or DCAs, and be provided with further information to enable the data subject to make an access and correction request to the relevant CRA or DCA, as the case may be;
- ii. the data subject has the right to instruct the Bank to make a request to the relevant CRA to delete from its database any account data relating to any credit that has been terminated by full repayment provided that there has not been, within 5 years immediately before such termination, a default in payment under the credit for a period in excess of 60 days according to the Bank's records;
- iii. if there is any default in repayment, unless the amount in default is fully repaid or written off (otherwise than due to a bankruptcy order) before the expiry of 60 days from the date such default occurred, the data subject's account repayment data may be retained by the CRA until the expiry of 5 years from the date of final settlement of the amount in default; and
- iv. in the event that any amount being written-off due to a bankruptcy order being made against the data subject, the CRA may retain that data subject's account repayment data, regardless of whether the account repayment data reveals any default, until the earlier of (a) the expiry of 5 years from the date of final settlement of the amount in default and (b) the expiry of 5 years from the date of the data subject's discharge from bankruptcy as notified to the CRA by that data subject with evidence.

For the purposes of paragraphs 6.2(iii) and (iv) above, "account repayment data" includes the amount last due, amount of payment made during the last reporting period, the remaining available credit or outstanding balance and default data (being amount past due and number of days past due, date of settlement of amount past due (if any) and date of final settlement of amount in material default (that is, default in payment for a period in excess of 60 days) (if any)).

3. Without limiting the generality of the foregoing, the Bank may from time to time access the data subject's personal and account information or records held by the CRA for the purpose of reviewing any of the following matters in relation to any existing credit facilities granted to that data subject (or a third party whose obligations are guaranteed by that data subject, if any):
  - i. an increase in the credit amount;
  - ii. the curtailment of credit (including the cancellation of credit or a decrease in the credit amount); and
  - iii. the putting in place or the implementation of a scheme of arrangement with the data subject or the third party (if any).
4. The Bank may have obtained a credit report on the data subject from a CRA in considering any application for credit. In the event that the data subject wishes to access the credit report, the Bank will advise the data subject how he may contact the relevant CRA and, where appropriate, to make a data correction request under the Ordinance.

## Use of Personal Data in Direct Marketing

7. Where a data subject has given consent for the Bank to do so, the Bank may use the data subject's personal data to provide the data subject with direct marketing. Accordingly, please note that:
- i. the Bank may use the following categories of data for its direct marketing purposes:
    - a. the name, contact details, products and services portfolio information, transaction pattern and behaviour, transaction location, financial background and demographic data of a data subject held by the Bank from time to time; and
    - b. information relating to the data subject's use of the Bank's websites, mobile apps from time to time, whether through cookies or otherwise;
  - ii. the following classes of services, products and subjects may be marketed:
    - a. financial, insurance, credit card, banking and related services and products;
    - b. reward, loyalty or privileges programmes and related services and products;
    - c. benefits, promotional offers, services and products\* offered by the Bank, Group companies and/or the Partners;
    - d. merchant products and services, including incentives and offers; and
    - e. donations and contributions for charitable and/or non-profit making purposes;

\* “benefits”, “promotional offers”, “services” and “products” refers to products, reward, loyalty or privilege programmes and other benefits that may be offered by the Bank, Group companies and Partners for the purpose of marketing the aforementioned entities’ businesses. It is not possible to be specific about (1) who these Partners are from time to time and (2) what these products, services, reward, referral, loyalty or privilege programmes and other benefits may be because Partners are involved in a variety of commercial enterprises. An Example of a typical benefit or promotional offer includes welcome gifts for new customers.
  - iii. the above services, products and subjects may be provided or (in the case of donations and contributions) solicited by the Bank and/or:
    - a. any Group companies;
    - b. third party financial institutions, insurers, credit card companies, securities and investment services providers;
    - c. Partners;
    - d. third party reward, loyalty, co-branding or privileges programme providers; and
    - e. charitable or non-profit making organisations;
  - iv. in addition to marketing the above services, products and subjects itself, the Bank also intends to provide the data described in paragraph 7(i) above to other Group companies for use by them in marketing those services, products and subjects, and the Bank requires the data subject's written consent (which includes an indication of no objection) for that purpose.

**If a data subject does not wish the Bank to use or provide his personal data to other members of the Group for use in direct marketing as described above, the data subject may exercise his opt-out right by notifying the Bank via the communication channels specified in paragraph 10 below.**

8. A data subject has the right:
  - i. to check whether the Bank holds data about him and to access such data;
  - ii. to require the Bank to correct any data relating to him which is inaccurate; and
  - iii. to ascertain the Bank's policies and practices in relation to data and to be informed of the kind of personal data held by the Bank.
9. In accordance with the terms of the Ordinance, the Bank has the right to charge a reasonable fee for the processing of any data access request.

10. The person to whom requests for access to data or correction of data or for information regarding policies and practices of and kinds of data held by the Bank are to be addressed is as follows:

Data Protection Officer

Airstar Bank Limited

Suites 3201-07

32/F, Sun Life Tower

The Gateway, Harbour City

Tsim Sha Tsui, Kowloon

11. Nothing in this Notice shall limit the rights of data subjects under the Ordinance.