

# PRIVACY NOTICE

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## **Societe Generale Private Banking (Switzerland)**

This Privacy Policy is issued by **SOCIETE GENERALE Private Banking (Switzerland) Ltd, rue du Rhône 8, CH-1204 Geneva** (“Data Controller” or “Bank”)

## PREAMBLE

To set an adequate level of protection for Personal Data processed by the Bank and to comply with Data Protection Laws, this present Privacy Policy contains the terms and conditions applicable to the collection, processing, use and retention of Personal Data by the Bank.

The meaning and definitions of the words written in capital letter herein are provided in the Glossary at the end of this Private Policy.

## Content of this Privacy Policy

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The Bank, as data controller under Data Protection Laws, collects and processes Personal Data from its Clients.

This Privacy Policy may be amended or updated from time to time to reflect changes in practices with respect to the processing of Personal Data or changes in Data Protection Laws.

In case of discrepancy between the present Privacy Policy and the Bank’s General terms and conditions as well as its Notice of information on data processing and sharing and on outsourcing (hereinafter together the “**General Terms and Conditions**”) and other relevant contractual documentation applicable to the Clients’ business relationship with the Bank, the General Terms and Conditions and the clauses of specific contracts shall prevail.

## ACCORDINGLY THE BANK INFORMS THE DATA SUBJECTS OF THE FOLLOWING:

1. How does the Bank collect Personal Data?

The Bank collects Personal Data:

- from the Clients in the pre-contractual discussions and during the banking relationship;
- from third parties when executing the agreed activities and services ; and/or
- from third parties, including public sources, where legally required (e.g. compliance matters).

## 2. Categories of Personal Data

In the course of its banking and financial activities, the Bank processes notably the following categories of Personal Data (without limitation):

- *Identification data* such as name, address, nationality, place and date of birth, information about the Client's personal, patrimonial and professional situation, the Client's identification, corporate and financial documents or the identity of and related information on authorized signatories, directors and beneficial owners
- *Contractual data* such as information on and in relation to accounts and deposits, credit or other financings, or collateral (e.g. number of the account, date of opening, status, purpose, origin of the assets)
- *Transaction data* such as information on and in relation to payments, securities transactions and other transactions executed including their background and purpose, place/market of execution, or pricing.

## 3. Personal Data processing purposes

The Bank, their bodies, employees and representatives are bound by law to keep their relations with the Client confidential.

The Bank restricts access to Personal Data to its employees and will not disclose Personal Data to any third party, except as agreed with the Client (see 3.1), required (see 3.2 and 3.4 below) or permitted (see 3.3 and 3.5 below) by applicable laws and regulations.

### 3.1 Provision of agreed financial, banking and credit services

The Bank is authorized to use the collected Personal Data for the purpose of providing the agreed services and for the purpose of marketing the services as well as products provided by the Bank or third parties to the Client

### 3.2 Respect of legal and regulatory requirements

The Bank is authorized to disclose Personal Data in Switzerland and abroad to relevant and authorized authorities or third parties, but only to the extent required by applicable laws, regulations and financial markets rules, notably for the purpose of performing the following with respect to the Client account:

- Transfer and payment transactions (such as via SIX, SEPA or SWIFT, which require identification Data)
- Foreign exchange transactions (such as for USD via US Societe Generale group entities)
- Trading and processing of securities transactions, which may additionally require disclosure of identification Personal Data (and other types of data) to open segregated accounts in certain countries with local brokers or custodians for each

investor due to local regulations and therefore to provide any required information for that purpose

- Disclosure and reporting obligations related to transactions such as (but not limited to) over-the-counter and unlisted transactions reporting to trading, clearing and settlement infrastructures, stock exchanges, markets or other trading venues or trade repositories and such as disclosures to issuers of securities
- Proactive disclosure of relevant information or queries triggered at the Bank (e.g. due to the monitoring systems used) required by compliance standards, especially in the fight against money laundering, terrorist financing, or corruption, as well as in relation to sanctions or politically exposed persons (PEP).

### 3.3 Safeguard of the Bank's legitimate interests

The Bank may disclose Personal Data if required and requested to do so, if needed to safeguard its legitimate interests and when the following events arise:

- Legal action brought by the Client against the Bank
- Need to secure the Bank's claims and the disposal of securities provided by the Client or by third parties
- Recovery of claims by the Bank against the Client
- Complaints made by the Client either publicly or to Swiss or foreign authorities
- Judicial requests in administrative, criminal, civil and tax matters from competent Swiss and foreign authorities compliant with Swiss legal requirements (such as international and mutual legal assistance provisions)

### 3.4 Obligations' of consolidated organisation and controls at the group level

To the extent required and permitted under applicable laws and regulations, the Bank may disclose to its mother company Societe Generale Bank & Trust in Luxembourg and the group head office Societe Generale SA in Paris, relevant Personal Data (such as Clients' identification information) required by them to comply with their legal obligations to implement organisation and controls at group level with respect to major credit risks and prevention and combating of money laundering and financing of terrorism.

### 3.5 Outsourcing of activities

The Bank may disclose Personal Data to companies belonging to Societe Generale group or third parties in Switzerland and abroad to which it outsources certain activities in part or in whole.

The said Processors may in turn appoint further companies, within or outside Societe Generale group, for the execution of part of the outsourced activities, such as (but without limitation) related administrative tasks.

The Bank outsources and/or may outsource the following activities in particular:

- Central accounting
- Payment transactions
- Trading and processing of securities transactions and instruments
- Physical custody of gold and precious metals
- IT programming, development and support, maintenance and management of IT systems and other infrastructures

- Storage of Data
- Compliance duties (such as filtering of transactions domestic and international transfers via Societe Generale Group's SWIFT platform with respect to sanctions criteria and such as filtering listed securities transactions with respect to market abuses and price manipulation)
- Credit risk assessment for specific cases
- Independent internal control (level 2 and 3).

#### **4. Legal basis for processing Personal Data**

Processing of Personal Data is based on one of the following legal basis:

- Execution or performance of a contract to which the Client is part or to take steps at the request of the Client prior to entering into a contract for the services agreed as referred to in clause 3.1, or
- Compliance with legal or regulatory obligations for the purposes referred to in clauses 3.2 and 3.4, or
- Legitimate(s) interests of the Bank for the purposes referred to in clauses 3.3 and 3.5, or
- Consent of Clients in case of marketing purpose where the interests or fundamental rights of the Client override the Bank's legitimate interest.

#### **5. Personal Data retention period**

The Bank will retain Personal Data only for the period necessary for the purposes set out in this Private Policy, if longer, for the periods set out in any applicable laws and regulations. As a matter of principle, the retention period should not exceed the timeframe of ten years as from the termination of the relationship. For each specific case, the Client can ask for detailed information in that respect at the Contact details referred under clause 9 hereinbelow.

#### **6. Communication with third parties**

In case of disclosure of Personal Data to a third parties (see clause 3) and in particular for with respect to outsourcing activities, the Bank will set out every requirement provided for by applicable regulations, including but not limited to the Data Protection Laws, in order to preserve the confidentiality and security of the concerned Personal Data.

#### **7. Application of contractual guarantees in case of transfer of Personal Data to non equivalent countries**

Owing in particular to the international nature of Societe Generale group, and in order to optimize quality of services, the communication of information mentioned above may involve the transfer of Personal Data to countries outside Switzerland and the European Economic Area, whose legislation on the protection of Personal Data is not equivalent.

In such cases, the Bank ensures that the transferred Personal Data are protected by suitable contractual guarantees or other appropriate safeguards required by Swiss applicable laws and regulations.

## **8. Communication with Data Subjects in relation to their rights under Data Protection Laws**

Data Subjects have the right to:

- access to their Personal Data;
- have their Personal Data rectified or erased if needed;
- object to the processing of their Personal Data.

In case of any questions or concerns about any information in this Privacy Policy, or in order to exercise any of the rights listed above, please contact the Data Protection Officer (DPO) of the Bank (Omar OTMANI) at the following addresses:

- SOCIETE GENERALE Private Banking (Switzerland) Ltd, rue du Rhône 8, 1204 Geneva; or
- by email at [sgpb-gdpr.ch@socgen.com](mailto:sgpb-gdpr.ch@socgen.com).

In addition, Data Subjects can file complaints with respect to the processing of their Personal Data with the competent local Data Protection Authority, in Switzerland, the Federal Data Protection and Information Commissioner.

## **9. Security of Personal Data processing**

The Bank takes all physical, technical and organisational measures needed to ensure the security and confidentiality of Personal Data, particularly in view of protecting it against loss, accidental destruction, alteration, and non-authorized access.

## **10. Contact details**

In case of any questions or concerns about any information in this Policy, please contact the data protection officer of the Bank (Omar OTMANI) at: SOCIETE GENERALE Private Banking (Switzerland) Ltd, rue du Rhône 8, CH-1204 Geneva.

## GLOSSARY OF TERMS

### **Clients**

Existing and prospective clients of the Bank that are either natural or legal persons.

### **Data Controller**

Entity which determines the purposes and means of Personal Data processing.

### **Data Protection Laws**

Any applicable laws and regulations, in particular the Swiss Data Protection Act and to the extent applicable the Regulation (EU) 2016/679 of the European Parliament and of the Council (“**GDPR**”), as amended from time to time.

### **Data Subjects**

The Clients whom Personal Data is processed by the Bank, including their employees, representatives and beneficial owners, as applicable.

### **Personal Data**

Information relating to an identified or identifiable natural, respectively legal, person as applicable, based on Data Protection Applicable Laws. An identifiable person is someone that can be identified directly or indirectly.

### **Processing or to process**

Any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, including storage, access and transfer of Personal Data.

### **Processor**

Any person or entity which processes Personal Data on behalf of the Data Controller.

## **Societe Generale Private Banking - Banque privée Suisse**

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