



1 Introduction

FCM Bank Limited (C50343) of Suite 3, Tower Business Centre, Tower Street, Swatar, Birkirkara BKR 4013, Malta (the “Bank”) has a legal duty to respect and protect any confidential information and personal information we collect from you and to use it for purposes you are aware of. The Bank takes all safeguards necessary to prevent unauthorised access and we do not divulge details collected from you as a visitor and/or customer to any third party unless you give us your consent to do so or unless we are obliged to do so by law or court order, or as otherwise set-out in terms of this Privacy Policy. We use leading technologies to protect the security of your data and whenever we hire third parties to provide support services we will require them to observe our privacy standards and to allow us to audit them for compliance.

The Bank is committed to protecting your privacy and to preserve the confidentiality of all the information provided and in so doing the Bank has developed the following Privacy Policy. This Privacy Policy sets out our commitment to your privacy, the information which we may collect about you, what we use it for and your rights in relation to such information.

We have developed this policy because we want you to feel confident about the privacy and security of your personal information. Please read it carefully.

2. Bank Secrecy

We are bound, in accordance with the laws of Malta, to observe secrecy and confidentiality with regards to all information which you give to us about you (“**Secret Information**”). However, we are permitted, in terms of the laws of Malta, to disclose Secret Information under certain circumstances, including where we are required to do so in terms of law or where ordered to do so by a court order (amongst others).

In accordance with the provisions of Maltese Law, by accepting that the General Terms and Conditions of the Bank and this Privacy Policy regulate your relationship with the Bank, you consent to us disclosing information about you acquired during the course of our relationship in the following circumstances:

- a to any of our professional advisers (including but not limited to financial, legal, management and other advisers as might be engaged from time to time), or to any of our group entities or affiliated entities, or to any consultants (including market research entities, advertising agencies) or to any actual or potential assignee or transferee of the Bank’s rights against you, or to any person who may otherwise enter into contractual relations with the Bank in relation to the business relationship with you;
- b to any person to whom we have outsourced any activities or services of the Bank, including any material and/or non-material activities and/or services of the Bank;
- c when the information is required to be disclosed or is requested in the course of a due diligence exercise;
- d when the information is required in the normal course of business with institutions or other persons who are normally bound by similar obligations of secrecy.

Unless otherwise provided in this Privacy Policy, the General Terms and Conditions of the Bank, and/or any Specific Terms and Conditions of the Bank, the obligation of secrecy shall survive the termination of the relationship between us.

3. Processing your Data

We store and process your data, including personal data in terms of the Data Protection Act (Chapter 586 of the Laws of Malta), and other laws and regulations applicable in Malta from time to time, to the extent that this is necessary for the appropriate conduct of our business relations and conforms to the applicable statutory provisions. We only record information which serves to fulfil our duties and we do this solely within the scope of the service provided to you. In providing our services we collect, process and store data relating to you from other banks and other professionals.

4. Protection of your Data

We use a range of physical, electronic and managerial measures to ensure that we keep your personal data secure, accurate and up to date. These measures include the following:

- education and training to relevant staff to ensure they are aware of our privacy obligations when handling personal data;

- administrative and technical controls to restrict access to personal data on a ‘need to know’ basis;

- technological security measures, including firewalls, encryption and anti-virus software;

- physical security measures, such as staff security passes to access our premises;

- in line with our information security policy various security measures are in place to protect the group’s data from unauthorised disclosure, unauthorised modification and unauthorised loss;

- in line with our incident management procedure employees are guided on the steps which need to be followed in the event of a security and/or a data privacy breach;

- where data is processed by a third-party organisation as outlined in this privacy statement, we ensure that such third parties provide sufficient guarantees to implement appropriate technical and organisational measures in such a manner that any processing by them meets the GDPR requirements including the protection of your rights. Furthermore, we also ensure that processing by third parties is governed by an agreement between us and the third party which includes the necessary contractual clauses required to meet the relevant GDPR requirements.

Although we use appropriate security measures once we have received your personal data, the transmission of data over the internet (including by e-mail) is never completely secure. We endeavour to protect personal data, but we cannot guarantee the security of data transmitted to us or by us.

5. Disclosure of your Data

We may share your personal information with companies within the Group and the following organisations:

- Credit reference agencies;
- Financial intelligence agencies;
- Law enforcement agencies;
- Tax authorities;
- Other competent authorities (including competent courts and tribunals and other authorities regulating us such as the Malta

Financial Services Authority and the European Central Bank);

- Deposit Compensation Scheme;
- Any party linked with you or your business’s product or service;
- Individuals who are legally entitled to receive such information;
- Companies with which we have a joint venture or agreement of co-operation;

- Entities that introduce you to us;
- Entities that we introduce you to;

- Market researchers;
- Our independent Financial and Legal Advisors;
- Companies and other persons you ask us to share your data with;
- Third parties that provide services to FCM Bank Ltd;
- Any other company being part of the Group.

We may need to share your personal information with other organisations to provide you with the product(s) or service(s) you have chosen:

- If you require transactions effected via SWIFT (Society for Worldwide Interbank Financial Telecommunication), SEPA (Single Euro Payments Area) or via any other payment method, we will share transaction details with the relevant payment institutions.

- If you have a secured loan or mortgage with us, we may share information with other lenders who also hold a charge on the property.

6. Why we Collect your Data

Information about you may be put onto the Bank's database and used, analysed and assessed by the Bank to provide you with a better service. We only collect information that we believe to be relevant and required to better conduct our business and to provide our customers with better services and products. We use the information that we collect about you in the following ways and for the following purposes:

- for the provision of information or other services in relation to any specific requests that you may make to us, and to give you statements;
- according to law, we may be required from time to time to disclose your information to Governmental bodies, agencies or our Regulators or recognised external authorities, but we will only do so under proper authority;
- for internal assessment and analysis;
- for research and statistics;
- for the detection and prevention of fraud and any other illegal acts or criminal activity which the Bank is bound to report and in line with our anti-money laundering policy;
- to develop and improve the Bank's products and services;
- to recover debts and to assist in debtor tracing; and
- to check your identity and address.

When vetting applications, we may search the Electoral Register and carry out identity checks. We may also request information on you from credit reference agencies, and use any of this information for identification purposes, debt tracing and the prevention of money laundering. The records will also be used for statistical analysis about credit, insurance and fraud.

7. Third Party Access to your information

We constantly strive to ensure that your information is kept safe and secure at all times. All our staff and all third parties with permitted access to your information are specifically required to observe this Privacy Policy. We aim to keep your information up to date and in this regard we may use third parties to process information on our behalf. We will only disclose personal data to third parties if this is required for the purpose of fulfilling any specific request that you may make to us or otherwise if we are to provide information if required by governmental bodies, agencies or regulators, however exclusively under proper authority, or if permitted in terms of this Privacy Policy. We will not process or provide third parties with information regarding your financial transactions / accounts held with us unless we are required or permitted to do so by law, by court order, with your consent or as otherwise set out in terms of this Privacy Policy. Whenever third parties process your information on our request we will bind them to keep such information in strict confidentiality. In the processing of information, your information shall at all times be kept protected by strict codes of secrecy and security to which we, our staff and third parties are subject to and will only be used in accordance with our instructions.

Personal data in relation to transactions effected via SWIFT (Society for Worldwide Interbank Financial Telecommunication) may be required to be disclosed to the United States authorities in order to comply with legal requirements applicable in the United States for the prevention of crime.

8. Direct Marketing

We may use your contact details and process your personal data to inform you of relevant opportunities, developments, events and products that may be of interest to you. We may carry out direct marketing in order to inform you, by mail, telephone, email or other electronic means, about other products and services provided by the Bank, its subsidiaries, affiliates, associates, agents and by carefully selected third parties and for research purposes. Should you not want to be contacted for marketing purposes, you should inform us accordingly by ticking the appropriate box in the personal/corporate profile form or relevant application form or otherwise inform us by sending a written request to this effect (by sending it to info@fcmbank.com.mt or by sending a letter to the address indicated below).

We may require to contract third party companies to carry out bulk mailing or marketing campaigns on the Bank's behalf, in which case we would be required to provide them with your contact details excluding personal financial information. Such third party companies will be required to comply with all provisions of law including data protection when using information included in the Bank's mailing list.

9. How Long we keep your Data for?

We will hold your personal data on our systems for the longest of the following periods:

1. as long as you are a customer of FCM Bank Ltd;
2. any retention period that is required by law;
3. the end of the period in which litigation or investigations might arise in respect of the product and services.

After you stop being a customer, we may keep your data for up to 10 years for one of these reasons:

- To respond to any questions or complaints;
- To show that we treated you fairly;
- To maintain records according to rules that apply to us.

We may keep your data for longer than ten years if we cannot delete it for legal, regulatory or technical reasons. We may also keep it for research or statistical purposes. If we do, we will make sure that your privacy is protected and only use it for those purposes.

10. Your Rights

You have various rights in relation to your personal data. You have a right to:

- obtain confirmation that we are processing your personal data and request a copy of the personal data we hold about you;
- ask that we update the personal data we hold about you, or correct such personal data that you think is incorrect or incomplete;
- ask that we delete personal data that we hold about you, or restrict the way in which we use such personal data;
- withdraw consent to our processing of your personal data (to the extent such processing is based on consent);
- receive a copy of the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and to transmit such personal data to another party (to the extent the processing is based on consent or a contract);
- object to our processing of your personal data. To exercise any of your rights, or if you have any other questions about our use of your personal data, please email info@fcmbank.com.mt or write to us at the following address: Suite 3, Tower Business Centre, Tower Street, Swatar, Birkirkara BKR 4013

You may also use these contact details if you wish to make a complaint to us relating to your privacy.

Should your requests in exercising the abovementioned rights be clearly unfounded or excessive, in particular because of their repetitive nature, we reserve the right to charge you a reasonable fee which shall be determined at our sole discretion, taking into account the administrative costs incurred by us to provide the information or communication or taking the action requested by you. We shall communicate to you in advance the fee amount that will be charged in the given circumstances.

If you are unhappy with the way we have handled your personal data or any privacy query or request that you have raised with us, you have a right to complain to the Office of the Information and Data Protection Commissioner. Find out on the IDPC website how to send a complaint <https://idpc.org.mt/en/Pages/contact/complaints.aspx>

11. Web Technology

Whilst we take measures to ensure that your personal data cannot be intercepted by third parties, please note that when using our website, data is transported over an open network (the internet) which is accessible to third parties and which cannot be regarded as a secure environment. We may transmit or store any data provided by you when using our website outside your country of residence. In such cases, we will make every effort to secure an appropriate standard of protection for your data, including those relating to bank-client confidentiality and data protection, but it is possible that data may be relayed to a country in which the prevailing standards of data protection are lower than in your country of domicile. We accept no responsibility or liability for the security of your data during transmission via the Internet. We would like to draw your attention to the fact that you can communicate with us by other means whenever you consider it appropriate on data protection grounds.

12. Cookies

Similar to other websites, our website utilises a standard technology called 'cookies'. A cookie is a small amount of data, which often includes a unique identifier that is sent to your computer's (or other device's) browser from a website's server and is stored on your computer's (or other device's) hard drive. Cookies allow a website to remember things like your preferences or whether you have logged in, and they allow us to tailor our website to your interests. Information supplied by cookies can also help us to analyse your use of our website and help us to provide you with a better user experience.

We use two types of cookies:

- (a) Essential Cookies for the Internet Banking Service. These are session cookies that expire at the end of the session (that is, once you log-out of the Internet Banking Service) or when the

browser is closed. The cookies we use for the Internet Banking Service are: (a) ASP.NET_SessionId; (b) LogonTokenId; (c) .ASPXAUTH; and (d) SessionTokenId. If you block or refuse these cookies then you might not be able to log in or use the Internet Banking Service.

(b) Non-Essential Cookies. We use cookies provided by a service called 'Google Analytics'; these cookies provide us with statistical information in an anonymous form about our website visitors. This information may include: (1) the number of visitors to our website; (2) where visitors have come to our site from; (3) what browsers and devices they are using; (4) the pages they visited; (5) whether they are new or returning visitors to our website; (6) the session duration, bounce rate and keywords used; (7) their gender, age and language; and (8) which country they are located. The Google Analytics cookies we use are: (a) _utma; (b) _utmb; (c) _utmc; and (d) _utmz. Click here for an overview of privacy at Google: <https://support.google.com/analytics/answer/6004245>.

Most browsers are initially set to accept cookies. If you prefer, you can set your browser to refuse cookies. You can find information about how to change your browser settings as well as other useful information about cookies here: www.allaboutcookies.org. Google Analytics also allows you to opt out of its cookies permanently. In order to do so please click on the following link: <https://tools.google.com/dlpage/gaoptout>.

If you do not adjust your browser settings to disable the use of cookies, then you are deemed to consent to the Bank's use of cookies for our website.

13. CCTV and Telephone

We may monitor and record your telephone calls with us in order to ensure that your instructions are accurately carried out, to help us to continually improve our service and to improve security. In the interest of security we may use CCTV recording equipment in and around our premises.

We may change the content or services found on our website at any time without notice and consequently our privacy policy may change at any time in the future without notice.