

# BMO Privacy Code – Mainland China

**Our Commitment to You.** BMO Financial Group appreciates the opportunity to help you meet your financial needs. From the day Bank of Montreal was founded in 1817, earning and keeping your trust has been at the very core of our business. We are committed to respecting and protecting your Personal Information. It is important for you to understand what Personal Information we will collect, how we will use it and who may see it.

## Scope

This Notice applies to the BMO Financial Group operations that take place in the People's Republic of China ("PRC", for the purpose of this Notice, not including Hong Kong SAR, Macao SAR and Taiwan). Additional information on our Personal Information practices may be provided in supplemental privacy disclosure and consent forms provided to You prior to or at the time of data collection. In the case that this Notice is expressly mentioned and referred to in such privacy disclosure and consent form, this Notice shall be read and understood together with the privacy disclosure and consent form and together constitute a complete personal information protection policy applicable to You. Please familiarize yourself with this Notice and check it from time to time for updates.

**NOTICE TO DATA SUBJECTS relating to Chapter VI, Book IV of the Civil Code (Rights to Privacy & Protection of Personal Information), Personal Information Protection Law and other applicable laws and regulations of the PRC ("applicable Privacy Legislation"):**

- a) From time to time, it is necessary for You, as a customer or applicant for banking and financial services, brokerage service and banking facilities, or as a surety or provider of security or guarantee for banking facilities, or as a director, shareholder, officer and manager of a corporate customer or applicant, or as a vendor (collectively "**Data Subject(s)**" or "**You**") to supply Bank of Montreal (China) Co. Ltd. ("**BMO ChinaCo**", such expression shall include its branches, offices, units, assignees, transferees and successors) or any other BMO Group Member (as defined below) with personal information as defined in the Personal Information Protection Law of the PRC ("**Personal Information**") in connection with various matters including the opening or continuation of accounts, the establishment or continuation of banking facilities, the provision of banking or financial services or the provision of other services or facilities agreed from time to time between You and BMO ChinaCo, or its holding company (Bank of Montreal) or any other affiliate of Bank of Montreal (whether in PRC or elsewhere) (collectively "**BMO Group Members**" or "**we**").
- b) When You request Personal Banking Services from BMO ChinaCo or a BMO Group Member, we will collect the following Personal Information for the opening or continuation of accounts and for the other purposes listed in paragraph e. below:
  - i Contact information: name, date of birth, address, e-mail, phone number, and passport copy and information;
  - ii Job details: employment status, occupation, employer name or school name, address/phone, working period or start date of school, and income;
  - iii Tax information: country of citizenship, country of tax resident, or tax identification number;
  - iv Intended use of the account;
  - v Information related to arrival to Canada: arrival time, destination, address, phone number in Canada;
  - vi If You are referred by any other clients or agency, we also collect Your referral information;
  - vii If You are under 14 years old, we also collect Your parents' or guardians' Personal Information: name, address, date of birth, occupation, telephone, official language, passport copy and information, signature, source of wealth, and the birth certificate, hukou, or notarization document;
  - viii If You are a student applying for Guaranteed Investment Certificate (GIC) service, we also collect Your letter of admission for the school You will attend in Canada;
  - ix Copies of Your Canadian Visa page.
- c) Failure to supply such Personal Information may result in BMO ChinaCo or the relevant BMO Group Member being unable to open or continue accounts or establish or continue services or facilities.

- d) Personal Information is also collected from You in the ordinary course of the continuation of a banking or financial services relationship with BMO ChinaCo or the relevant BMO Group Member, for example, when You deposit money or provide Personal Information in connection with your banking accounts.
- e) Your Personal Information may be used for the following purposes (whether within or outside PRC):
- i the processing of Your applications for banking or financial services or other services;
  - ii the daily operation of banking and financial services, including performance of such function as may be deemed necessary by BMO ChinaCo or the relevant BMO Group Member as part of its enterprise function which may include but shall not be limited to the centralization and/or outsourcing of functions;
  - iii (as the case may be) for meeting operational, administrative and risk management requirements of BMO ChinaCo or the relevant BMO Group Member or otherwise;
  - iv designing financial services or related products for Your use;
  - v marketing services, products and other subjects for Your use;
  - vi determining amounts owed to or by You;
  - vii making disclosure pursuant to the requirements of any law or regulation of PRC or elsewhere binding on or applying to BMO ChinaCo or the relevant BMO Group Member or under and for the purposes of any application, direction, request, requirement, guideline or other similar document (whether or not having the force of law) issued by any competent regulatory or other authority of PRC or elsewhere with which BMO ChinaCo or the relevant BMO Group Member is expected to comply;
  - viii enabling BMO ChinaCo or the relevant BMO Group Member to comply with obligations, commitments or arrangements undertaken by BMO ChinaCo or the relevant BMO Group Member with, local or foreign bodies and authorities, whether legal, regulatory, governmental, tax, law enforcement, self-regulatory, industry or others, including but not limited to obligations or arrangements relating to information sharing and exchange for tax purposes, compliance with reporting requirements, sanctions, or prevention or detection of money laundering, terrorist financing or other unlawful activities; and
  - ix enabling an actual or proposed assignee, transferee or successor of BMO ChinaCo or the relevant BMO Group Member or of all or part of its business, assets and/or shares or an actual or proposed participant or sub-participant of BMO ChinaCo's or the relevant BMO Group Member's rights in respect of the Data Subject, to evaluate the transaction intended to be the subject of the assignment, transfer, succession, participation or sub-participation.
- f) Your Personal Information held by BMO ChinaCo or the relevant BMO Group Member will be kept confidential but BMO ChinaCo or the relevant BMO Group Member may provide such Personal Information to the following parties (whether within or outside PRC) for the purposes set out in paragraph "e.":
- i any agent, contractor or third party service provider who provides administrative, telecommunications, computer, financial intermediary, payment, debt collection, securities clearing or other services to BMO ChinaCo or the relevant BMO Group Member in connection with the operation of its business;
  - ii any other person under a duty of confidentiality to BMO ChinaCo or the relevant BMO Group Member;
  - iii any financial institution or financial intermediary with which You have or propose to have dealings;
  - iv any actual or proposed assignee, transferee or successor of BMO ChinaCo or the relevant BMO Group Member or of all or part of its business, assets and/or shares or any actual or proposed participant or sub-participant of BMO ChinaCo's or the relevant BMO Group Member's rights in respect of You;
  - v government departments or other appropriate governmental or regulatory authorities of PRC; and
  - vi any person to whom BMO ChinaCo or the relevant BMO Group Member is obliged to make disclosure under the requirements of any law or regulation of PRC or elsewhere binding on or applying to BMO ChinaCo or the relevant BMO Group Member or under and for the purposes of any application, direction, request, requirement, guideline or other similar document (whether or not having the force of law) issued by any competent regulatory or other authorities of PRC or elsewhere with which BMO ChinaCo or the relevant BMO Group Member is expected to comply.
- g) If and to the extent that the applicable Privacy Legislation requires, we will seek Your separate consent for processing the Personal Information pursuant to this Notice.
- h) We will not publicly disclose Your Personal Information unless we have obtained separate consent from You or as otherwise permitted or required by applicable Privacy Legislation.
- i) Our retention periods for Personal Information are based on business needs and legal requirements. We retain Personal Information for as long as is necessary for the processing purpose(s) for which we collected it, and any other permissible, related purpose. For example, we may retain certain transaction details and correspondence until the time limit for claims arising from the transaction has expired, or to comply with regulatory requirements regarding the retention of that data. When Personal Information is no longer needed, we either irreversibly anonymize the data (we may further retain and use the anonymized information) or securely destroy the data.

- j) We use physical, electronic and procedural safeguards to protect against unauthorized use, access, modification, destruction, disclosure, loss or theft of Your Personal Information in our custody or control. We have agreements and controls in place with any third party service providers requiring that any information we provide to them must be safeguarded and used only for the purpose of providing the service we have requested them to perform. To learn more about our security controls, please visit [bmo.com/security](http://bmo.com/security).
- k) Pursuant to the applicable Privacy Legislation, You have the following rights:
- i) the right to check whether we hold Personal Information about You and the right of access to such Personal Information;
  - ii) the right to require that we correct any of Your Personal Information held by us which is inaccurate or supplement any of Your Personal Information held by us which is incomplete;
  - iii) the right to ascertain our policies and practices in relation to Personal Information and to be informed of the kind of Personal Information held by us and the term during which we will hold the relevant Personal Information;
  - iv) the right to obtain a copy of the Personal Information held by us;
  - v) the right to revoke Your consent on our use of the Personal Information for a specific purpose, provided that we may refuse to continue to provide the relevant product or service where use of such Personal Information is necessary for providing the product or service. You shall serve BMO ChinaCo a written notice to revoke Your consent. For avoidance of doubt, any use or disclosure of the Personal Information by BMO ChinaCo or the relevant BMO Group Member before receipt of such written notice shall still be legal and valid;
  - vi) the right to cancel Your account with us. Please note that Your cancellation of Your account is irreversible. Once You cancel Your account with us, we will no longer collect Your Personal Information and will delete all Personal Information collected and generated under Your account, unless otherwise specified by laws, regulations or regulators in respect of retention periods of Personal Information; and
  - vii) the right to request us to delete Your Personal Information under the following circumstances: 1) if the purpose of our processing of Your Personal Information has been achieved or cannot be achieved or such Personal Information is no longer necessary for the processing purpose; 2) we no longer provide services to You, or the retention period of Your Personal Information has expired; 3) if You revoke Your consent to our processing of Your Personal Information; 4) if our processing of Your Personal Information violates laws and regulations or our agreement with You; 5) if You no longer use our products or services, or You have cancelled Your account with us; and 6) other circumstances stipulated by relevant laws and regulations.
- l) Your Personal Information may be used, processed, stored, disclosed or transferred in and to any country or territory (including, for example, Canada) as BMO ChinaCo, the relevant BMO Group Member or any person who has obtained such Personal Information from BMO ChinaCo or the relevant BMO Group Member (as referred to in paragraph f. above) considers appropriate. Disclosure or transfer made pursuant to this Notice may be made to recipients in a jurisdiction other than PRC, provided that, we will keep You informed of the recipient and its contact information, the purpose of such disclosing or transfer, how the Personal Information will be processed, the kind of Personal Information to be disclosed or transferred, and the way that You may enforce Your rights hereunder and obtain Your consent thereunder. BMO ChinaCo or the relevant BMO Group Member will sign agreement with the relevant recipient to ensure the safety and appropriate handling of Your Personal Information in accordance with the relevant model clauses as published by the competent PRC regulator from time to time.
- m) A separate parental or guardian consent is required when we process Personal Information of minors under the age of 14.
- n) For any Personal Information provided by You as a corporate customer to BMO ChinaCo or the relevant BMO Group Member, whether such Personal Information pertains to employees, clients, customers or any other individuals, You hereby represent to us that each individual whose Personal Information is disclosed to us has consented to the collection, use, processing, disclosure, transfer or storage of such Personal Information for the purposes set out in this Notice, and will provide written evidence of such consent if so requested by us.
- o) A corporate customer may revoke the above representation by written notice to BMO ChinaCo or the relevant BMO Group Member. You acknowledge that BMO ChinaCo or the relevant BMO Groups Member may be unable to open, continue or establish accounts or banking facilities, or provide banking or financial services or other services or facilities without the consents described in the paragraph above.
- p) In accordance with the applicable Privacy Legislation, BMO ChinaCo or the relevant BMO Group Member is entitled to charge a reasonable fee for the processing of any request for access to Personal Information.
- q) Requests for access to, or correction of, or supplement to, or deletion of, or obtaining a copy of, Personal Information, or for revoking Your consent, or for cancelling Your account, or for information regarding policies and practices and kinds of Personal Information, or for filing a complaint should be sent in writing to BMO ChinaCo at [enquiry.bj@bmo.com](mailto:enquiry.bj@bmo.com) (for Beijing branch), [enquiry.sh@bmo.com](mailto:enquiry.sh@bmo.com) (for Shanghai branch) or [enquiry.gz@bmo.com](mailto:enquiry.gz@bmo.com) (for Guangzhou branch). Generally, we will respond to Your request within 15 working days after receiving Your request. If we decide not to respond to Your request, we will inform You of the reasons and the channel for filing a complaint.

- r) The contents of this Notice shall apply to all Data Subjects and form part of any contract for services that the Data Subjects have or may enter into with BMO ChinaCo or the relevant BMO Group Member from time to time. If there is any inconsistency or discrepancy between this Notice and the relevant contract, this Notice shall prevail insofar as it relates to the protection of the Data Subjects' Personal Information. Notwithstanding the above, where BMO ChinaCo or the relevant BMO Group Member obtains a separate consent from You on handling of Your Personal Information for a specific purpose in accordance with the requirements of applicable Privacy Legislation or otherwise, such separate consent shall prevail in case of any inconsistency between the separate consent and this Notice.
- s) We may amend this Notice from time to time due to the developments in laws and the needs of our service operation. The amended Notice will supersede all prior documents and take effect immediately after its publication. Please pay attention from time to time to the changes of this Notice in relevant announcements, notices, agreements, and rules.
- t) Nothing in this Notice (including its amendments) shall limit Your rights under the applicable Privacy Legislation, nor shall any clause in this Notice (including its amendments) restrict or deprive our right to handle Your Personal Information in accordance with the applicable laws and regulations, with or without Your consent.