

## **BMO Privacy Code – Hong Kong and Singapore**

### ***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 Data. It is important for you to understand what Personal Data we will collect, how we will use it and who may see it.

### ***Scope***

Our Notice to Data Subjects applies to BMO Financial Group operations that take place in and Personal Data which is collected in Hong Kong or Singapore. It sets out information about the collection, use, retention and disclosure of Personal Data in compliance with the respective requirements of Hong Kong Personal Data (Privacy) Ordinance and Singapore Personal Data Protection Act. Please familiarize yourself with this Notice and check it from time to time for updates.

### **NOTICE TO DATA SUBJECTS relating to the Personal Data (Privacy) Ordinance (Chapter 486 of the Laws of Hong Kong) or the Personal Data Protection Act (No. 26 of 2012) of Singapore (“applicable Privacy Legislation”)**

- a. From time to time, it is necessary for customers and various individuals (including without limitation applicants for banking and financial services, brokerage service and banking facilities, sureties and persons providing security or guarantee for banking facilities, directors, shareholders, officers and managers of corporate customers or applicants) (collectively "**Data Subject(s)**") to supply Bank of Montreal Hong Kong Branch or Singapore Branch, as the case may be ("**BMO**", such expression shall include its assignees, transferees and successors) with personal data ("**Data**") 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 the customer and BMO.
- b. Failure to supply such Data may result in BMO being unable to open or continue accounts or establish or continue services or facilities.
- c. Data are also collected from Data Subjects in the ordinary course of the continuation of banking or financial services relationship with BMO, for example, when Data Subjects write cheques, deposit money or provide personal information in connection with their banking or investment accounts.
- d. Data relating to a Data Subject may be used for the following purposes (whether within or outside Hong Kong or Singapore):–
  - i. the processing of applications for banking or financial services or other services and facilities;
  - ii. the daily operation of banking and financial services and facilities, including performance of such function as may be deemed necessary by BMO as part of its enterprise function which may include but shall not be limited to the centralization and/or outsourcing of functions outside of Hong Kong or Singapore (as the

- case may be) for meeting operational, administrative and risk management requirements of BMO or otherwise;
- iii. creating and maintaining BMO 's credit scoring models;
  - iv. conducting credit checks and audits generally (including upon application for a service or facility and upon regular or special reviews which normally will take place at least once a year);
  - v. assisting other financial institutions or financial intermediaries to conduct credit checks and collect debts;
  - vi. ensuring the ongoing creditworthiness of Data Subjects;
  - vii. designing financial services or related products for use by Data Subjects;
  - viii. marketing services, products and other subjects for use by Data Subjects;
  - ix. determining amounts owed to or by Data Subjects;
  - x. the enforcement of obligations of Data Subjects including, without limitation, the collection of amounts outstanding from Data Subjects and from providers of guarantees, security or other credit support for the obligations of Data Subjects;
  - xi. making disclosure pursuant to the requirements of any law or regulation of Hong Kong, Singapore or elsewhere binding on or applying to BMO, its holding company, any of its offices, units or branches or any group member of the Bank of Montreal (whether in Hong Kong, Singapore or elsewhere) (collectively "**BMO Group Members**") 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 Hong Kong, Singapore or elsewhere with which BMO Group Member(s) is(are) expected to comply;
  - xii. enabling BMO Group Members to comply with obligations, commitments or arrangements undertaken by BMO Group Members 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;
  - xiii. enabling an actual or proposed assignee, transferee or successor of BMO or of all or part of its business, assets and/or shares or an actual or proposed participant or sub-participant of BMO'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; and
  - xiv. other purposes directly or indirectly relating to any of the above.
- e. Data held by BMO relating to a Data Subject will be kept confidential but BMO may provide such information to the following parties (whether within or outside Hong Kong or Singapore) for the purposes set out in paragraph d.:-
- 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 in connection with the operation of its business;
  - ii. any other person under a duty of confidentiality to BMO including any other BMO Group Member which has undertaken to keep such information confidential;
  - iii. the drawee bank providing a copy of a paid cheque (which may contain information about the payee) to the drawer;
  - iv. credit reference agencies, and, in the event of default, to debt collection agencies;

- v. any financial institution or financial intermediary with which the Data Subject has or proposes to have dealings;
  - vi. any actual or proposed assignee, transferee or successor of BMO or of all or part of its business, assets and/or shares or any actual or proposed participant or sub- participant of BMO's rights in respect of the Data Subject;
  - vii. government departments or other appropriate governmental or regulatory authorities within or outside of Hong Kong or Singapore;
  - viii. appropriate persons in BMO , any shareholder of BMO , any other BMO Group Member; and
  - ix. any person to whom BMO or any of its Group Members is under an obligation to make disclosure under the requirements of any law or regulation of Hong Kong, Singapore or elsewhere binding on or applying to BMO or any of its Group Members 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 Hong Kong, Singapore or elsewhere with which BMO or any other BMO Group Members are expected to comply.
- f. Pursuant to the applicable Privacy Legislation and the Hong Kong Code of Practice on Consumer Credit Data approved and issued under the Hong Kong Personal Data (Privacy) Ordinance, any individual has the following rights:–
- i. the right to check whether BMO holds Data about him or her and of access to such Data;
  - ii. the right to require that BMO correct any Data relating to him or her which is inaccurate;
  - iii. the right to ascertain BMO's policies and practices in relation to Data and to be informed of the kind of Data held by BMO;
  - iv. in relation to consumer credit, the right to request to be informed which items of Data are routinely disclosed to credit reference agencies or debt collection agencies, and be provided with further information so as to enable the Data Subject to make an access and correction request to the relevant credit reference agency or debt collection agency;
  - v. in relation to consumer credit data which has been provided by BMO to a credit reference agency, to instruct BMO upon termination of an account by full repayment to make a request to the credit reference agency to delete such data from its database, as long as the instruction is given within five (5) years of termination and at no time the account has had a default of payment lasting in excess of sixty (60) days within five (5) years immediately before account termination. In the event the account has had a default of payment lasting in excess of sixty (60) days the data may be retained by the credit reference agency until the expiry of five (5) years from the date of final settlement of the amount in default or five (5) years from the date of discharge from a bankruptcy as notified to the credit reference agency, whichever is earlier; and
  - vi. the right to obtain a copy of the Data.
- g. BMO may from time to time access the personal and account information or records of a Data Subject and any of its credit support providers held by a credit reference agency for the purpose of reviewing any of the following matters in relation to BMO's existing credit facilities granted to a Data Subject or a third party for whose obligations the Data Subject acts as credit support provider:
- i. an increase in the credit amount;
  - ii. the curtailing of credit (including the cancellation of credit or a decrease in the credit amount); and/or

- iii. the putting into place or implementation of a scheme of arrangement with the Data Subject or the third party.
- h. BMO may have obtained a credit report on the Data Subject from a credit reference agency in considering any application for credit. In the event the Data Subject wishes to access the credit report, BMO will advise the contact details of the relevant credit reference agency.
- i. Data of a Data Subject may be used, processed, stored, disclosed or transferred in and to any country or territory as BMO or any person who has obtained such data from BMO (as referred to in paragraph e. above) considers appropriate. Such data may also be disclosed in accordance with the local practices and the laws or regulations in such country or territory. Disclosure or transfer made pursuant to this Notice may be made to recipients in a jurisdiction other than that of the disclosing party or a jurisdiction that may not necessarily provide an equivalent level of protection for Data as the Data Subject's home jurisdiction.
- j. Unless written notice to the contrary is provided to BMO, a Data Subject will be deemed to have acknowledged and consented to such collection, use, processing, storage, disclosure or transfer of personal data as described in paragraphs d., e. and i. above. A Data Subject may revoke this consent by written notice to BMO.
- k. For any Data provided by a corporate customer to BMO, whether such Data pertains to employees, clients, customers or any other individuals, the corporate customer hereby represents to BMO that each individual whose personal data is disclosed by the Data Subject to BMO has consented to the collection, use, processing, disclosure, transfer or storage of such personal data for the purposes set out in this Notice.
- l. A corporate customer may revoke the above representation by written notice to BMO. Each Data Subject acknowledges that BMO 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 paragraphs above.
- m. In accordance with the applicable Privacy Legislation, BMO is entitled to charge a reasonable fee for the processing of any request for access to Data.
- n. Requests for access to, or correction of, Data or for information regarding policies and practices and kinds of Data should be sent in writing to:–

The Data Protection Officer  
Bank of Montreal, Hong Kong Branch  
36th Floor, One Exchange Square  
Central, Hong Kong  
Telephone: (852) 3716 0888 Fax: (852) 2810 4520  
Email: DLHKCompliance@bmo.com

The Data Protection Officer  
Bank of Montreal, Singapore Branch  
12 Marina Boulevard,

#18-01

Marina Bay Financial Centre Tower 3

Singapore 018982

Telephone: (65) 6535 2323 Fax: (65) 6532 5129

E-Mail: [DLSGCompliance@bmo.com](mailto:DLSGCompliance@bmo.com)

- o. 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 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 data.
  
- p. Nothing in this Notice shall limit the rights of Data Subjects under the applicable Privacy Legislation.

*Version: 09.18*