

## MBE Privacy Notice

Privacy laws around the world are constantly evolving. For Mizuho Bank Europe NV and its branch offices (together referred to as “MBE” or “us” or “we” or “our”), protecting the information entrusted to us by our valued customers is one of our fundamental responsibilities. MBE takes privacy very seriously and is committed to ensuring that it processes (personal) data in a fair and lawful manner.

On May 25, 2018, the EU General Data Protection Regulation (“GDPR”) came into force. It provides for greater transparency with regards to how and why personal data is processed, strengthens the rights of individuals and tightens the permitted uses of this data.

This statement is to inform our customers and any of their affected directors, employees, affiliates, or directors or employees of such affiliates (together referred to as “you”) of:

- A. a summary of and terminology used in the GDPR;
- B. the reasons why MBE collects and uses your personal data;
- C. the way your personal data is protected;
- D. the period your information will be retained; and
- E. your rights as our customer under the GDPR and how these rights can be exercised.

## Section A: the GDPR

As of 25 May, 2018, the GDPR has been implemented in the Netherlands. MBE adheres to GDPR to the best of its abilities, in the sense that information must:

- be fairly and lawfully processed;
- be processed for specific purposes only;
- be adequate, relevant and not excessive;
- be accurate and up to date;
- not be kept for longer than is necessary;
- be processed in line with data subject rights;
- be well protected; and
- not be transferred to other countries without adequate protection.

### Key terms:

**Consent of the data subject:** any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

**Data Controller:** the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data;

**Data Processor:** a natural or legal person which processes personal data on behalf of the controller;

**Data Processing:** any operation performed upon personal data, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by

transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

**Data Protection Officer:** Internal or external officer responsible for a company's compliance with the GDPR;

**Data Subject:** an identified or identifiable natural person;

**Personal Data:** any information relating to an identified or identifiable natural person (the 'Data Subject');

**Personal Data Breach:** a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

**Sensitive Personal Data:** special categories of personal data, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation;

The material scope of the GDPR is limited to *Personal Data*. Examples of Personal Data, as defined above, may be your name, address, or identification number. Its territorial scope is broad; the GDPR is applicable not only to EU based legal entities, but also to any non-EU/ third country company targeting EU residents.

## Section B: Use of Personal Data by MBE

We collect Personal Data about you from a variety of sources for the purpose of commencement and execution of a business relationship and the associated contractual duties, as well as information we are legally obliged to collect. In accordance with anti-money laundering regulations, we are specifically obliged to identify you using your identification document prior to the establishment of any business relationship. If you do not provide us with the necessary information and documents, by law we are not permitted to commence or continue such business relationship.

Information may be provided by yourself, either directly sent to us or through social media that you choose to be publicly visible. We also receive Personal Data from third parties who provide it to us in their capacity of employer, client, credit reference agency or (government) authorities. Data may include contact details such as names, addresses, phone numbers, financial details such as bank account numbers and transaction details and electronic identifying data such as IP addresses, cookies, online identifiers and geolocation data.

Processing of Personal Data will only be performed on a legal basis, in order to perform banking business and financial services as part of the execution of our agreements with you or to implement pre-contractual measures. Article 6 of the GDPR provides for the lawful bases for processing of Personal Data. No single basis is 'better' or more important than the others, and processing may be done on several legal bases depending on the purpose and our relationship with you. Verifying your identity and screening against governmental bodies' sanction lists for instance is done to comply with legal obligations (e.g. anti-money-laundering legislation), for the performance of our agreement with you, and on the basis of consent you provide upon onboarding as our customer. We may process your Personal Data on the basis of:

- **Necessary for performance of contract** [Art. 6(1)(b) GDPR]  
Before providing you with any product or service, we have to gather certain Personal Data from you. We process such Personal Data in order to manage your accounts and meet your requests. As part

of this process, we may need to forward some of the information to for instance an intermediary bank or counterparty to enable the request or comply with a legal obligation. We also process your Personal Information in the operation of our IT- and management systems and when communicating with you as our customer.

- **Legal obligation** [Art. 6(1)(c) GDPR, or in the public interest Art 6(1)(e) GDPR]  
As a bank, we are also subject to a range of legal obligations, i.e. statutory requirements (for example anti-money-laundering or tax legislation) and regulatory requirements (imposed by institutions such as the Dutch Central Bank or European Banking Authority). Data is processed for purposes including but not limited to credit checks, identity verification, the evaluation and management of risks and when reporting to regulatory authorities.
- **Legitimate interest** [Art. 6(1)(f) GDPR]  
We will process data required in order to safeguard our own, or a third party's legitimate interest, *unless* outweighed by your interest in the protection of your Personal Data. Examples of processing include: measures related to the further development of products and services, assertion of legal claims and defence in legal disputes, sharing of data with Mizuho Financial Group companies for internal administrative purposes, advertising (insofar as you have not objected to the use of your Personal Data) and the prevention of criminal offences.
- **Consent** [Art. 6(1)(a) GDPR]  
If you have given us consent to process Personal Data for specific purposes, this consent can be withdrawn at any time by sending a notification of such request to your relationship manager. This also applies to the withdrawal of consent granted to us prior to the entry into force of the GDPR. Withdrawal of your consent does not affect the lawfulness of the data processed until the consent was withdrawn, but it may affect our ability to service you as our customer.

Processing of Personal Data will only be done to the minimum required to carry out the services we provide. Under the GDPR, the processing of Sensitive Personal Data in principle is prohibited. It is allowed only when one of the exceptions stipulated in the GDPR applies, for instance in case of explicit consent, if the processing relates to information that was already made public by you, or the processing is necessary for reasons of substantial public interest on the basis of EU or member state law. MBE does not seek to process any of your Sensitive Personal Data, except where the processing is mandatory by law and at least one condition for processing is satisfied. If you have any questions or concerns regarding the use of your Personal Data, please reach out to your relationship manager at MBE.

## Section C: Protection of Personal Data

MBE uses a variety of security measures, technologies and procedures to help protect your Personal Data from unauthorised access, use or disclosure to the best of its ability. Only employees with appropriate authorisation can access your Personal Data. We may disclose your Personal Data to other entities within Mizuho Financial Group, for legitimate business reasons and in accordance with applicable law only. In addition we may disclose your Personal Data to

- you and your representatives, governmental-, regulatory- or similar authorities;
- lawyers, accountants and other professional outside advisors, subject to binding contractual obligations of confidentiality;
- third party processors, in which case we will enforce appropriate safety measures; and/or
- any relevant party to the extent required to fulfil a legal obligation or for the proper performance of our agreement with you.

Data will only be transferred if this is required in view of our business relationship with you, if provided for by law or based on your request/consent. Where we transfer your Personal Data to other countries,

we do so on the basis of suitable Standard Contractual Clauses, adequacy decisions or other valid transfer mechanisms.

## **Section D: Data retention**

Retaining yours and our information in a secure, lawful manner is of the utmost importance to us. To comply with legal and regulatory requirements regarding information retention, an Information Retention Policy is in place, which is reviewed on a regular basis.

MBE carefully assesses and monitors:

- which data should be retained due to internal and external regulations;
- which data should be retained for other reasons (e.g. operational use, purpose of evidence);
- which data *may* and which data *must* be safely disposed of after a determined period of time.

MBE takes all reasonable measures to ensure that your Personal Data is only processed (i) for the minimum period necessary, and (ii) for the purposes the information was provided to us. The moment we cease to have an ongoing relationship with you and following any subsequent retention period mandatory by law, we will either safely delete or destroy your Personal Data or adequately anonymize it. The same procedure will be followed upon a request for erasure, restriction, or transfer as mentioned under Section E of this letter.

## **Section E: Your rights under the GDPR**

When your Personal Data is processed in connection with an MBE product or service, you are entitled to rely on a number of rights. Communication with you shall be timely and transparent to allow you as a 'Data Subject' to exercise these rights in the most effective way. Without affecting your statutory rights and subject to applicable law, your rights regarding the processing of your Personal Data that we process or control include the right to:

- request access to, or copies of, your Personal Data;
- request information regarding the nature, processing, protection and disclosure of your Personal Data;
- request rectification of any inaccuracies;
- request, on legitimate grounds, erasure of your Personal Data ('right to be forgotten') or restriction of the processing thereof;
- have your Personal Data transferred to another Data Controller, to the extent applicable;
- where we process your Personal Data on the basis of your consent, withdraw that consent; and
- lodge complaints with a Data Protection Authority regarding the processing of your Personal Data.

### **Right to object**

Pursuant to Article 21 of the GDPR, you also have the right to object, on grounds relating to your particular situation, at any time to the processing of your Personal Data based on public or legitimate interest as mentioned in section B of this Annex. The right to object also applies to any profiling based on these legal bases. Profiling is used for instance to combat money laundering and terrorist financing, for which data analyses may be conducted, e.g. concerning payment transaction data. These measures are also in place for your own security.

We currently do not use fully automated decision-making pursuant to Article 22 GDPR for the establishment and execution of any business relationship. Should we use such methods in the future, and if required by law, we will inform you separately on this topic. In individual cases, we might use your

Personal Data for direct marketing purposes. You have the right to object at any time to the processing of Personal Data for such marketing purpose.

An objection or request to exercise your rights is not subject to any formal requirement. In the event that you would like to exercise any of the rights mentioned in Section E above, please contact your usual MBE relationship manager at your earliest convenience. He or she will inform MBE's Data Protection Officer, Mr. D. van Mourik ([derk-jan.vanmourik@mizuho-cb.nl](mailto:derk-jan.vanmourik@mizuho-cb.nl)), and other internal stakeholders to the extent necessary to ensure your request is addressed in a proper and timely manner. However, kindly note that an objection or request for the withdrawal of consent, restriction of the processing or erasure of your Personal Data, may negatively impact our ability to service you as our customer.

We will keep this notice under regular review and from time to time amend it to reflect changes to the way in which we are processing Personal Data. We will inform you of material changes through a notification by post, email or other channel regularly used for communication between us. If so desired, additional information will be available on request.

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