

# BEMO Europe Privacy Notice

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Publication Date: April 2024



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## 1 Introduction and scope

This Charter applies to all personal data of clients and prospects (hereinafter referred to as “data”) processed by BEMO EUROPE BANQUE PRIVÉE S.A. (hereafter referred to as “**BEMO**” or the “**Bank**”), acting as data controller.

This Charter also applies to the data of other natural persons, when this data is processed by BEMO EUROPE BANQUE PRIVÉE S.A., as part of a business relationship with a client (hereinafter referred to as “related person(s)”). A related person may, in particular, be a representative, a signatory, a proxy, a beneficial owner or a controlling person.

In the event of any discrepancy between this Notice and the Bank’s Terms and Conditions, the later shall prevail insofar as they are applicable.

BEMO EUROPE BANQUE PRIVÉE S.A. is committed to comply with all relevant European Union and Member State laws in respect of personal data, and the protection of the “rights and freedoms” of individuals whose information the Bank collects and processes, in accordance with the General Data Protection Regulation (EU) 2016/679 of 27 April 2016 (GDPR) and the Law of 1<sup>st</sup> August 2018.

## 2 Privacy Principles

The personal data that BEMO collect/process during the course of client’s relationship or prospects should comply with the following principles:

- Your personal data shall be processed lawfully, fairly and in a transparent manner;
- BEMO shall collect only personal data that is relevant and required to conduct its business;
- The personal data collected shall be adequate, relevant and limited to what is necessary;
- Your personal data shall be accurate and kept up to date;
- BEMO will take any reasonable step to ensure that your personal data will not be kept longer than is necessary for the purpose(s) that are notified to you when we collect your data or as otherwise required to comply with the law;
- BEMO ensure appropriate security and confidentiality of your personal data that it collect from you or from any other third parties.

## 3 What Data we collect/process?

The data we collect or hold about you may come from a variety of sources. Some have been collected directly from you by filling in forms or by corresponding with you via phone, mail. We may also collect information about you when you interact with us, for example, when you visit our website or when you use our mobile application.

Some data may come from sources that are accessible to the general public (e.g., public registers, press, websites) or have been collected from external companies (e.g., electronic databases).

The personal data we usually collect is essential in order to carry out our obligations arising from any contracts entered into with you or as requested by regulators and may include:



- For Individual Clients: (i) personal details such as name, passport information, nationality, date and place of birth, family information (spouse's name, occupation) and beneficial owners of your assets, (ii) contact details such as address, phone number, mobile number and email address, and (iii) financial information.
- For Corporate Clients: Business name, legal registered address, contact details, name(s) of owner(s), director(s), shareholder(s), officer(s), authorized signatories, beneficial owner(s), business profile and financial information including in the case of a trust, the trustee, settlor, protector or beneficiary.

The Bank may also collect the following technical information through the website or the Online Banking:

- Cookies: Cookies are important to the proper functioning of a site. To improve your experience, we use cookies to measure the audience of our website bemo.lu and to remember log-in details. When visiting the website of the bank, cookies can temporarily be installed on the user's computer. Please refer to our cookies policy for more details.

#### 4 How do we use your Data?

We only use your data if you have provided your consent to it or if such use is based on a legal basis provided for by the regulations in force:

- the performance of a contract entered into, an undertaking for which you and/or we are engaged or a pre-contractual measure;
- compliance with a legal or regulatory obligation;
- preservation of public interest, such as the prevention or detection of fraud or financial crime; and
- the pursuit of our legitimate interests (e.g., (i) interest in the development of business relationship and the provision of information on services and products offered by the Bank, by entities affiliated to the Bank or by partners, (ii) interest in improving the Bank's internal organisation and processes, (iii) interest in risk assessment to which the Bank is subject and decision-making in risk management, and (iv) the Bank's interest in protecting its interests, defending or exercising rights in court and cooperating in investigations initiated by authorities in Luxembourg or abroad).

We collect and process data about you for various purposes, including but not limited to the following purposes:

- Processing a product application, service request, a transaction or a payment;
- Evaluating and monitoring your credit worthiness;
- Detecting and preventing fraud, money laundering and other financial crimes;
- Carrying out due diligence and other screening activities (including background checks);
- Providing online services;
- Complying with laws and regulations;
- Enforcing the Bank's rights, including undertaking debt collection activities and legal proceedings;

- Understanding your needs and offering products and services to meet these needs;
- Disclosing and reporting information to official authorities to fulfil the Bank's obligations in relation to Foreign Account Tax Compliance Act (FATCA), Common Reporting Standard (CRS).
- Responding to information requests issued by the Administration des Contributions Directes (ACD) in Luxembourg, the Tax Administration in France, and the regulators located inside and outside Luxembourg;
- Disclosing information to our correspondents, agent banks, custodians and financial institutions, wherever located, that help us process your payments, transactions or in which you have an interest in securities where such securities are held by us for you;
- Internal researching, statistical analysis and improving our products, services, systems and infrastructure;
- Lawfully transferring by us of any rights or obligations;
- Dealing with complaints;
- Keeping track of communications between us (phone calls, emails, letters etc.);
- Managing and issuing payment cards, and sharing information with card processing suppliers;
- Enabling service providers (such as IT companies, auditors, lawyers etc.) to provide their services effectively;
- Sending marketing, advertising and promotional information.

If we do not have certain data about you (or if you exercise your right to oppose data processing or request a restriction on data processing (see. "Your Rights" Section below), we may not be able to provide you with the service or product for which the processing of such data is required.

## 5 Management of your Personal Data

- **Data accuracy:** We will take reasonable efforts to ensure that your personal data is accurate and complete. However, this means that you must also update us of any changes in your personal data that you had initially provided us with. We will not be responsible for relying on inaccurate or incomplete personal data if you fail to update us with your current information.
- **Security arrangements:** We will also put in place reasonable security arrangements to ensure that your personal data is adequately protected and secured. Appropriate security arrangements will be taken to prevent any unauthorized access, collection, use, disclosure, copying, modification, leakage, loss, damage and/or alteration of your personal data. However, we cannot assume 3 responsibility for any unauthorized use of your personal data by third parties which are wholly attributable to factors beyond our control.
- **Legal basis:** We retain personal data in accordance with legal, regulatory, contractual, business and operational obligations.
- **International data transfer:** The Bank may transfer or disclose personal data to countries outside the European Economic Area. In such cases, the Bank shall ensure that personal data enjoys the same level of confidentiality and security provided by the Bank in Luxembourg and France by ensuring appropriate safeguards provided for in Article 44 and 49 of the GDPR regulation and setting security measures (e.g. encryption, anonymization, physical security etc.). The Bank, where

possible, will ensure to obtain from the recipients, a written commitment that such data will be kept confidential and secure.

- **Data retention:** Your personal data will be kept by us as long as you maintain a relationship with us, and even after ending the relationship with us when it is required by laws and regulations, or pursuant to our internal policies and procedures, or to respond to inquiries or complaints, or to protect our rights and interests.

## 6 Automated decision support systems

We may use automated decision support systems, such as when you want to buy a product or service, when you apply for credit, or during controls aimed at preventing the risk of fraud, money laundering or terrorist financing. Such processes may help us to determine whether the activity of a client or account involves a risk (credit, fraud or other risk).

We do not resort to "automated individual decisions" as part of business relations with clients. If we were to use "automated individual decisions" in the future, we would do so in accordance with the applicable legal and regulatory requirements.

## 7 Monitoring and recording of our exchanges

Subject to compliance with applicable local regulations, we may record and retain the conversations and communications you have with us, including telephone calls, face-to-face meetings, letters, emails and any other type of messaging service to verify your instructions. We may also use these records to appraise, analyse and improve our services, train our co-workers, manage risks, or prevent and detect fraud and other financial crimes from this data.

## 8 Your rights as a data subject

At any point while we are in possession of or processing your personal data, subject to the restrictions provided by law, you, the data subject has the following rights concerning your data:

- Right of access: you have the right to request a copy of the information that we hold about you.
- Right of rectification: you have the right to correct data that we hold about you that is inaccurate or incomplete.
- Right to be forgotten: in certain circumstances you can ask us for the data we hold about you to be erased from our records.
- Right to restriction of processing: where certain conditions apply to have a right to restrict the processing.
- Right of portability: you have the right to have the data we hold about you transferred to another organization.
- Right to object: you have the right to object to certain types of processing such as direct marketing.
- Right to object to automated processing, including profiling: you also have the right to be subject to the legal effects of automated processing or profiling in case we use these procedures.

- Right to lodge a complaint: if you think that any of your rights have been infringed by us, you have the right to lodge a complaint before the Office of the Commissioner for Personal Data Protection.

## 9 Who are we likely to share your data with?

The Bank may disclose your information to the third parties listed as follows:

- Our correspondents, agent banks, custodians and financial institutions, wherever located, that help us process your payments, transactions or in which you have an interest in securities where such securities are held by us for you;
- Governmental or judicial bodies or agencies;
- Regulators, public authorities including tax authorities;
- Companies or agencies providing credit rating services.

The Bank is committed to keep your personal data confidential. We will not share your information with any third parties unless:

- We hold your consent;
- We are obliged by the law or court order;
- For fraud prevention purposes;
- Necessary for providing services and products;
- For legitimate reasons or to fulfil a public or legal duty.

In addition, the Bank requires from its service providers and third parties located inside or outside Luxembourg and/or the European Economic Area, which hold and process such information on behalf of the Bank, to follow appropriate standards of security and confidentiality pursuant to the GDPR. The Bank, where possible, will ensure to obtain from the aforementioned parties, a written commitment that such data will be kept confidential and secure.

## 10 Consent / Withdrawal of Consent

- By consenting to this privacy notice you are giving us permission to process your personal data specifically for the purposes identified above;
- Where we are asking you for sensitive personal data, we will always tell you why and how the information will be used;
- You may withdraw consent for the collection, use and/or disclosure of your personal data in our possession or under our control unless the Bank is obliged under applicable laws and regulations to process such data.
- If you fail to provide personal information reasonably requested by us or refuse to consent to the personal information we are requested to process, store, update, transfer or disclose for the above purposes and below recipients, we have the option and we reserve our right to suspend providing banking services to you or not to pursue our relationship with you.

## 11 Contact

For any queries on this privacy notice, or any other queries in relation to how we may manage, protect and/or process your personal data, or in the event that you wish to make a complaint about how your personal data is being processed by the Bank (or third parties as described above), or how your complaint has been handled please directly contact our Data Protection team at [dpd@bemo.lu](mailto:dpd@bemo.lu)

## 12 Changes to our Privacy Notice

This Privacy Notice is kept under regular review and any update will be placed on the Bank's website.