

## PRIVACY NOTICE

### 1. Overview

Kuwait Finance House B.S.C. (c) (DIFC Branch) ("KFH DIFC", "DIFC Branch", "we", "our" or "the Bank") is committed to providing the highest level of protection regarding the processing of our clients' personal data based on the applicable data protection laws and regulations. This Privacy Notice (the "Notice") describes how KFH DIFC may collect, use, store, disclose or otherwise process personal data.

### 2. Who is responsible for data processing and how can you contact them

KFH DIFC is a Data Controller<sup>1</sup> in the Dubai International Financial Centre ("DIFC") in accordance with the provisions set out in the DIFC Data Protection Law No 5 of 2020 (the "DP law"). We are responsible for deciding how we hold and use personal information about you. We are required under the DP law to disclose certain information about how we process your information. This includes details on when we are collecting or processing personal information about you; what we do with your information; and who your information may be shared with.

If you have any questions about this Notice, including any requests to exercise your legal rights under the DP law, please contact our Data Protection Officer using the details set out below.

✓ via email to: [DIFC.DataProtection@kfh.com](mailto:DIFC.DataProtection@kfh.com);

✓ via mail addressed to:

**Ajay Dharmarajan**

Kuwait Finance House B.S.C. (c) (DIFC Branch)

Office 1402 | Al Fattan Currency House 2 | DIFC. P.O. Box 507055 | Dubai | UAE

✓ via telephone: +971 4563 8789

### 3. What is the scope of this Notice

This Notice sets out our practices when processing personal data in the context of professional relationships with our clients to whom DIFC Branch provides products or services or with whom the Bank enters into any transaction. We collect and otherwise process personal data relating to existing clients, prospective clients and any other person involved in the business relationship, such as clients' authorised representative, persons holding a power of attorney, guarantors, beneficiaries, board members, beneficial owners and other individual business contacts (collectively referred to as "you", "your" or "clients(s)").

### 4. What information we hold about you

KFH DIFC collects certain personal data in the course of providing banking products and investment services to clients. We may collect the personal data directly from individuals through communications and the Bank's applications forms, whether we

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<sup>1</sup> All capitalised terms are defined within the meaning of the DIFC Data Protection Law No. 5 of 2020

receive these in writing or electronically. This can include the information set out below.

- **Identity information** includes information such as first name, surname, age/date of birth, passport number, place of birth, Individual Tax ID and proof of identity such as a copy of your passport when we identify and verify individuals or to meet tax, anti-money laundering (“AML”) and other “Know Your Customer” (“KYC”) legal and regulatory obligations;
- **Contact information** includes information such as billing address, delivery address, email address and telephone numbers;
- **Personal information** such as your education, profession, employment details, financial knowledge and investment experience, where applicable;
- **Financial information** covers information such as bank account details, income, investments, assets, liabilities, creditworthiness as well as your financial position, investment objectives and knowledge of financial products and services;
- **Digital information** related to your use of our websites, platforms and digital applications, including traffic data, location data, behavioural data and other communication data;
- **Account access information** where we provide online account access, log-in and similar credentials, and information about use of such access; and
- **Relationship information** includes your preferences in receiving marketing from us and our third parties and your communication preferences. This helps us to understand more about how to conduct business with you and what types of products and services may be of interest to our customers.
- **Other information.** This includes CCTV footage when you visit our office premises and telephone conversation recorded with you.

For limited purposes, such as in the case of undertaking AML and KYC checks, it may be necessary for us to process special categories of personal data. This may include data about criminal convictions and information about your political opinions if we are authorised to use this information under the DP law. In these circumstances, we will process such personal data only when there is a legal basis we can rely on under the DP law.

## 5. What happens if personal data is not provided

In certain circumstances, where an individual does not provide personal data which is required we will not be able to provide the products and services under our contract with customers, or may not be able to comply with a legal obligation imposed on us. Where we need to collect personal data by law, or under the terms of a contract and you fail to provide this information when requested, we may not be able to perform the contract we have or are trying to enter into with you. In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case, at the time.

## 6. Where we collect your personal data from?

This Notice applies when we collect individuals’ personal data directly from the individual or when we collect it from third parties. You can provide your personal data

directly to us by filling in our application forms for various services and products or by communicating with us by post, telephone, e-mail or using other means. We may collect personal data from third party sources, which include the following:

- Third party referrals;
- Verification processes such as due diligence checks;
- Social media sites such as LinkedIn and other public internet sites; and
- Credit reference agencies, government agencies or financial institutions.

We also process personal data that we obtain from publicly accessible sources (e.g. press, sanctions lists, internet) or that is legitimately transferred to us by other companies within the KFH Group or from other third parties (e.g. exchanges, and other similar entities) for KYC and AML purposes.

## **7. What is the purpose of processing your data and what is the legal basis**

We must have a legal basis to process your personal data in accordance with the DP law. In most cases, we will use your personal data in the following circumstances:

- 1. Where we need to fulfil our contractual obligations with you.** Data is processed in order to provide banking and financial services in accordance with the legal agreements with our clients. This also includes carrying out pre-contractual measures that occur as part of a request from an interested party. The purposes of data processing are primarily in compliance with the specific product or service and can include needs assessments, advice, investment execution services, lending facilities, deposit products and other financial services, as well as carrying out transactions. You can find further details about the purposes of data processing in the Bank's General Client Agreement and other related product documentation.
- 2. Where we need to comply with legal and regulatory obligations.** As a regulated financial institution, KFH DIFC is subject to a number of legal and regulatory requirements applicable in the DIFC. The purposes of processing include identity and age checks, fraud and money laundering prevention, fulfilling compliance reporting obligations under financial regulation, and measuring and managing risks within KFH Group.
- 3. When pursuing our legitimate interests and those of third parties.** A legitimate interest will apply only where we consider that it is not outweighed by an individual's interests or rights, which require protection of their personal data. As DIFC Branch is part of KFH Group we may have a legitimate interest in transferring personal data within our Group for internal administrative purposes. We have determined that our legitimate interests include the following activities:
  - ✓ Managing our business and our brand
  - ✓ Managing the risks and optimising the efficiency of KFH Group operations
  - ✓ Business analysis and development of financial products and banking services
  - ✓ Marketing of KFH DIFC financial products

- ✓ Improving and managing relationships with our clients
- ✓ Compliance with applicable regulatory standards
- ✓ Recording telephone lines and monitoring communications to comply with law
- ✓ Conducting internal audits for the legitimate purposes of managing our business
- ✓ Receiving professional advice to protect our business and our brand
- ✓ Prevention and detection of financial crime and fraud
- ✓ Evaluating, bringing or defending legal claims
- ✓ Managing our credit, business and other risks as may be required to operate as an effective, efficient, and financially prudent financial institution.

**4. As a result of your consent.** If the Bank decides to process personal data on the basis that is not covered by any of the above legal justifications, we will rely on your consent as the lawful basis. As long as you have granted us consent to process your personal data for certain purposes, the processing is carried out on the basis of your consent. Consent given to us can be withdrawn at any time and does not affect the legality of data processed prior to withdrawal. Further details regarding how to contact our DPO are listed as part of section 2 above.

## 8. What are the purposes for which we will use your personal data

We have outlined below a description of the key purposes for which we plan to use your personal data, and the applicable legal basis for doing so. We have also identified what our legitimate interests in certain circumstances, where appropriate. Please contact our Data Protection Officer if you need further details about the specific legal ground we are relying on to process your personal data included in the table below.

What we use your personal data for	Lawful basis for processing your data
To onboard you as a new customer; verify your identity and carry out customer due diligence	To fulfil contractual obligations To comply with legal/regulatory obligations
Perform credit checks and in order to take decisions whether to onboard a customer	To comply with legal/regulatory obligations
Facilitating smooth running of the business through communication with clients about our products and services	To fulfil contractual obligations To comply with legal/regulatory obligations Necessary for our legitimate interests
Fulfilling a transaction initiated by a client To manage payments, fees, charges and profit due on customer accounts; and collect and recover money owed to us	To fulfil contractual obligations Necessary for our legitimate interests
To manage our relationship with you, including developing the relationship and carrying out any marketing activities; make suggestions and recommendations to you	Necessary for our legitimate interests

about products or services that may be of interest to you	
To manage how we work with other companies that provide services to us and our customers	Necessary for our legitimate interests
To undertake financial crime mitigation measures including verifying identity, checking transactions for AML purposes. To meet compliance obligations that apply to us for regulatory reporting purposes.	To comply with legal/regulatory obligations Necessary for our legitimate interests
Enforce or defend the rights of KFH Group or employees of KFH DIFC	Necessary for our legitimate interests
For internal operational requirements of members of the KFH Group (including product development, tax, audit and credit and risk management)	To comply with legal/regulatory obligations Necessary for our legitimate interests
Maintaining database management, business records of services, payments and other transactions	To comply with legal/regulatory obligations Necessary for our legitimate interests
Conducting audits for the legitimate purposes of the business	Necessary for our legitimate interests
Conducting internal product analysis and market research in order to develop and improve our products and services to customers	Necessary for our legitimate interests
Addressing and resolving issues and complaints internally to enhance our services	Necessary for our legitimate interests To comply with legal/regulatory obligations

## 9. Who receives your personal data

We will disclose personal data of individuals where it is necessary to fulfil specified purposes outlined above. We require third parties to respect the security of your personal data and to treat it in accordance with the DP law. We may transfer and disclose your personal data with a range of parties which may include:

- **KFH Group.** We will share your personal data with other entities within KFH Group including our parent entities, Kuwait Finance House B.S.C. (c) and Kuwait Finance House K.S.C.P in accordance with the applicable law. In these circumstances, we will transfer your personal for the purposes set out in this Notice;
- **External Recipients of Data.** We will transfer personal data about you in the course of conducting our usual business, or as part of meeting our legal, regulatory or market practice requirements to the following external recipients:
  - To public authorities such as tax authorities, supervisory authorities and other government agencies, security or police authorities as part of our regulatory reporting requirements.
  - To other third-party agencies and suppliers in order to carry out AML/KYC/PEP checks and comply with legal obligations;

- To other third party financial firms in order to meet our contractual obligations, market practices and compliance standards in connection with transactions and the services that we provide you with (such as correspondent banks, brokers, exchanges, clearing houses, trade repositories, processing units and third-party custodians, issuers, authorities, and their representatives)
- Third parties who have introduced customers such as financial service providers, in order to process the personal data for the purposes as set out in this Notice;
- To third parties who work on our behalf to service or maintain customer accounts, such as administrators and investment managers including those external to DIFC Branch and KFH Group;
- **To service providers and agents.** We will transfer your personal data to service providers and agents appointed by us for the purposes outlined in the Notice, subject to maintaining banking confidentiality which may include:
  - Third parties who manage our physical premises;
  - Third parties who service or maintain our business contact database and those who support DIFC Branch website;
  - Third parties providing services to us such as our professional advisers (e.g. auditors and lawyers)
  - Third parties who process data on our behalf as part of our outsourcing arrangements including IT service providers.

## 10. How secure is your information with third-party service providers

All third-party service providers that handle our data and other entities in KFH Group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

We may share your personal information with other entities in our Group as part of our centralised data storage system, to allow us to deliver certain services to you and for reporting activities. We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 11. Cookies

We may use cookies and similar technologies on our KFH Group websites and internet banking applications. Cookies are text files that get small amounts of information, which your computer stores when you visit a website. When you return to the websites or another application – or visit websites and mobile apps that use the same cookies – they recognise these cookies and therefore your device. We use cookies to do many different jobs, like letting you navigate between pages efficiently, remembering your preferences and generally improving your online experience. They can also help ensure that the ads you see online are more relevant to you and your interests.



## 12. International data transfer

Some of our external third parties may be based outside the DIFC so their processing of your personal data will involve a transfer of data outside the DIFC jurisdiction. When we share information with organisations in another jurisdiction, we will ensure they agree to apply equivalent levels of protection for personal data as we do under the applicable DIFC legislation.

Also, if they are not in a jurisdiction that the DIFC Data Protection Commissioner regards as having adequate levels of protections for personal data, we will put in place appropriate safeguards (such as contractual commitments, by adopting the standard clauses as prescribed by the DIFC Commissioner), to ensure that your data is adequately protected. Please contact our Data Protection Officer if you would like to request to see a copy of the specific safeguards applied to the export of your information to such jurisdictions.

## 13. Marketing communications

We are committed to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. If you receive marketing directly from us, you can opt out of, or object to receiving marketing by contacting your relationship manager or emailing us on [DIFC.DataProtection@kfh.com](mailto:DIFC.DataProtection@kfh.com). Additionally, we will ensure that any outside companies assisting us in marketing our products and services, or with whom we have marketing agreements, are under contractual obligations to protect confidentiality of personal data, and to use it only to provide the services we have asked them to perform.

## 14. How long we will store personal data for

We will retain the personal data of individuals covered by this Notice for as long as required to fulfil the purposes for which the data was collected including for the purposes of satisfying any legal, accounting, or reporting requirements. In general terms, this will mean that personal data will be kept for the duration of our relationship with the individual and:

- the period required by tax, company and financial services laws and regulations (including, without limitation any Dubai Financial Services Authority (DFSA) retention periods);
- as long as it is necessary for individuals to be able to bring a claim against us and for us to be able to defend ourselves against any legal claims. This will generally be the length of the relationship plus the length of any applicable statutory limitation period under applicable law.

In certain circumstances, personal data may need to be retained for a longer period of time where extended retention periods are required by law and in order to establish, exercise or defend our legal rights.

## 15. Your rights

Individuals are granted certain rights in relation to their personal data which will apply in certain instances. If an individual would like to exercise, or discuss, any of these

rights, they should submit their request to [DIFC.DataProtection@kfh.com](mailto:DIFC.DataProtection@kfh.com) and provide sufficient information to allow us to understand the scope of the request. Under certain circumstances set out in the DP law you have the right to:

### **Request Access**

Individuals are entitled to ask us whether we are processing their personal data and, if we are, they can request access to their personal data. This enables them to receive a copy of the personal data we hold about them and certain other information about it.

### **Request Correction**

Individuals are entitled to request that any incomplete or inaccurate personal data we hold about them be corrected.

### **Request Erasure**

Individuals are entitled to ask us to delete or remove personal data in certain circumstances. However, we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

### **Objection**

Where we are processing personal data based on legitimate interests an individual may challenge this. However, we may be entitled to continue processing personal data based on our compelling legitimate interests or where this is relevant to legal claims. An individual also has the right to object where we are processing personal data for direct marketing purposes.

### **Restriction**

Individuals are entitled to ask us to restrict the processing of their personal data, for example if they want us to establish its accuracy or the reason for processing it.

### **Portability**

Individuals are entitled to request the transfer of their personal data to another third party in limited circumstances.

### **Automated decisions**

Individuals are entitled to contest any automated decision made about them where this has a legal or similarly significant effect, and to require such decision to be reviewed manually

### **Non-discrimination**

Individuals will not be discriminated against for exercising their rights under the DP Law.

### **Consent**



If our processing is based on consent, individuals can withdraw their consent at any time by contacting [DIFC.DataProtection@kfh.com](mailto:DIFC.DataProtection@kfh.com). This will not affect the lawfulness of processing based on consent before such withdrawal.

### **Contact Supervisory Authority**

We are committed to working with you to obtain a fair resolution of any complaint or concern about privacy. If, however, you believe that we have not been able to assist with your complaint or concern, you have the right to make a complaint to the DIFC Data Protection Commissioner [commissioner@dp.difc.ae](mailto:commissioner@dp.difc.ae) or via mail to the DIFC main office: The Gate, Level 14, DIFC P.O. Box 74777, Dubai, UAE, Tel: +971 (0)4 362 2222.

## **16. Changes to the Notice**

A copy of this Privacy Notice can be requested from us using the contact details available above. We may modify or update this Notice from time to time. Where changes to this Privacy Notice will have a fundamental impact on the nature of the processing or otherwise have a substantial impact on you, we will give you sufficient advance notice.