



# FIRSTRAND

## FIRSTRAND GROUP PRIVACY POLICY

### IMPORTANT

In this document, references to the “FirstRand group” are to FirstRand Limited and its subsidiaries (including business units, divisions, branches, representative offices or companies connected to the group and any associates, cessionaries, delegates or successors in title or appointed third parties, such as its authorised agents, advisors, partners and contractors). A simplified group structure highlighting some of the group’s major subsidiaries and businesses is shown below. This document explains how the various businesses comprising the FirstRand group will process your personal information.



### FIRSTRAND

Listed holding company (FirstRand Limited, JSE: FSR)

100%	100%	100%	100%	100%	100%
FirstRand Bank Limited (FRB)	FirstRand EMA (Pty) Ltd (FREMA)	FirstRand International Limited (Guernsey)	FirstRand Investment Holdings (Pty) Ltd (FRIHL)	FirstRand Investment Management Holdings Ltd	FirstRand Insurance Holdings (Pty) Ltd
Banking	Rest of Africa	UK banking	Other activities	Investment management	Insurance
First National Bank <sup>1</sup>	58% FNB Namibia	100% Aldermore Bank plc	96% RMB Private Equity Holdings	100% Ashburton Fund Managers	100% FirstRand Life Assurance
Rand Merchant Bank <sup>1</sup>	69% FNB Botswana		93% RMB Private Equity	100% Ashburton Investor Services	100% FirstRand Short-Term Insurance Ltd
WesBank <sup>1</sup>	100% FNB Swaziland		100% RMB Securities	100% Ashburton Management Company (RF)	100% FirstRand Insurance Company (FRISCOL)
FirstRand Bank India <sup>2</sup>	90% FNB Mozambique		50% RMB Morgan Stanley	100% Ashburton Investments International Holdings	
FirstRand Bank London <sup>2, *</sup>	100% FNB Zambia		100% FNB Securities	100% FNB CIS Management Company (RF)	
FirstRand Bank Guernsey <sup>2, **</sup>	100% FNB Lesotho		100% Direct Axis	100% Atlantic Asset Management	
FirstRand Bank Kenya <sup>3</sup>	100% FNB Tanzania		81% MotoVantage	100% Ashburton Investments Namibia Holdings	
FirstRand Bank Angola <sup>3</sup>	100% First National Bank Ghana		100% RMB Australia Holdings	100% Various general partners <sup>†</sup>	
FirstRand Bank Dubai <sup>3</sup>	100% RMB Nigeria		100% FirstRand Securities		
FirstRand Bank Shanghai <sup>3</sup>	100% FirstRand International - Mauritius				

Structure shows effective consolidated shareholding.

<sup>1</sup> Division

<sup>2</sup> Branch

<sup>3</sup> Representative office

\* MotoNovo Finance is a business segment of FirstRand Bank Limited (London Branch)

\*\* Trading as FNB Channel Islands

<sup>†</sup> Ashburton Investments has a number of general partners for fund seeding purposes – all of these entities fall under FirstRand Investment Management Holdings Limited.

The FirstRand group follows a multi-branding approach, some of major brands in the group are shown below.



Where we refer to “process”, it means how we collect, use, store, make available, destroy, update, disclose, or otherwise deal with your personal information. As a general rule, we will only process your personal information if this is required to deliver or offer a service, provide a product or carry out a transaction with you. We respect your privacy and will treat your personal information confidentially.

We may combine your personal information and use the combined personal information for any of the purposes stated in this Privacy Policy.

In this document, any reference to “we” or “us” or “our” includes any one or more of the above businesses or entities.

**VERY IMPORTANT:** If you use our services, goods, products and service channels, you agree that we may process your personal information as explained under this Privacy Policy. Sometimes you may provide us with consent to process your personal information. Read it carefully because it may limit your rights.

**NOTE:** As the FirstRand group has operations in a number of countries, this Privacy Policy will apply to the processing of personal information by any member of FirstRand group in any country. If the FirstRand group processes personal information for another party under a contract or a mandate, the other party’s privacy policy will apply to the processing.

The FirstRand group can change this Privacy Policy from time to time if the law or its business practices require it.

The version of the Privacy Policy displayed on our website will apply to your interactions with us. To read the latest version of this Privacy Policy visit [www.firstrand.co.za](http://www.firstrand.co.za).

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## **1 WHEN WILL WE PROCESS YOUR PERSONAL INFORMATION?**

We will only process your personal information for lawful purposes relating to our business if the following circumstances apply:

- you have consented thereto;
- a person legally authorised by you, the law or a court, has consented thereto;
- it is necessary to conclude or perform under a contract we have with you;
- the law requires or permits it;
- it is required to protect or pursue your, our or a third party's legitimate interest; and/or
- you are a child, and a competent person (such as a parent or guardian) has consented thereto on your behalf.

## **2 WHEN WILL WE PROCESS YOUR SPECIAL PERSONAL INFORMATION?**

We may process your special personal information in the following circumstances:

- if you have consented to the processing;
- if the processing is needed to create, use or protect a right or obligation in law;
- if the processing is for statistical or research purposes, and all legal conditions are met;
- if the special personal information was made public by you;
- if the processing is required by law;
- if racial information is processed and the processing is required to identify you; and/or
- if health information is processed, and the processing is to determine your insurance risk, or to comply with an insurance policy, or to enforce an insurance right or obligation.

## **3 WHEN AND HOW WE WILL PROCESS THE PERSONAL INFORMATION OF CHILDREN?**

A child is a person who is defined as a child by a country's legislation, and who has not been recognised as an adult by the courts.

We process the personal information of children if the law permits this.

We will only process the personal information of children if any one or more of following applies:

- a person with the ability to sign legal agreements has consented to the processing, being the parent or guardian of the child;
- the processing is needed to create, use or protect a right or obligation in law, such as where the child is an heir in a will, a beneficiary of a trust, a beneficiary of an insurance policy or an insured person in terms of an insurance policy;
- the child's personal information was made public by the child, with the consent of a person who can sign legal agreements;
- the processing is for statistical or research purposes and all legal conditions are met;

- where the child is an heir in a will, if required to give effect to the will;
- where the child is a beneficiary of a trust, if required to give effect to the trust deed;
- where the child is legally old enough to open a bank account without assistance from their parent or guardian;
- where the child is legally old enough to sign a document as a witness without assistance from their parent or guardian;
- where the child benefits from a bank account such as an investment or savings account; and/or
- where the child is an insured person or beneficiary of an insurance policy, if required to give effect to the policy.

#### **4 WHEN, AND FROM WHERE, DO WE OBTAIN PERSONAL INFORMATION ABOUT YOU**

We collect information about you:

- directly from you;
- based on your use of our products, services, or service channels (such as our websites, applications, and ATMs);
- based on how you engage or interact with us, such as on social media, and through e-mails, letters, telephone calls, and surveys;
- from public sources (such as newspapers); and
- from third parties we interact with for the purposes of conducting our business (such as partners, reward partners, list providers, our customer loyalty rewards programmes' retail and online partners, or our service providers).

If the law requires us to do so, we will ask for your consent before collecting personal information about you from third parties.

The third parties from whom we may collect your personal information include, but are not limited to, the following:

- members of the FirstRand group, any connected companies, subsidiary companies, its associates, cessionaries, delegates, assignees, affiliates or successors in title and/or appointed third parties (such as its authorised agents, partners, contractors and suppliers) for any of the purposes identified in this Privacy Policy;
- your spouse, dependants, partners, employer, joint applicant or account holder and other similar sources;
- people you have authorised to share your personal information, such as a person that makes a travel booking on your behalf, or a medical practitioner for insurance purposes;
- attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements;

- payment processing services providers, merchants, banks and other persons that assist with the processing of your payment instructions, such as card scheme providers (including VISA or MasterCard);
- insurers, brokers, other financial institutions or other organisations that assist with insurance and assurance underwriting, the providing of insurance and assurance policies and products, the assessment of insurance and assurance claims, and other related purposes;
- law enforcement and fraud prevention agencies, and other persons tasked with the prevention and prosecution of crime;
- regulatory authorities, industry ombudsmen, government departments, and local and international tax authorities;
- credit bureaux;
- trustees, executors or curators appointed by a court of law;
- cheque verification service providers;
- our service providers, agents and sub-contractors such as couriers and other persons we use to offer and provide products and services to you;
- courts of law or tribunals;
- participating partners, whether retail or online, in our customer loyalty reward programmes;
- our joint venture partners; and/or
- marketing list providers.

## **5 REASONS WE NEED TO PROCESS YOUR PERSONAL INFORMATION**

We will process your personal information for the following reasons:

- to provide you with products, goods and services;
- to market our products, goods and services to you;
- to respond to your enquiries and complaints;
- to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules);
- to comply with voluntary and involuntary codes of conduct and industry agreements;
- to fulfil reporting requirements and information requests;
- to detect, prevent and report theft, fraud, money laundering and other crimes. This may include the processing of special personal information, such as alleged criminal behaviour or the supply of false, misleading or dishonest information when opening an account with us, or avoiding liability by way of deception;
- to enforce and collect on any agreement when you are in default or breach of the terms and conditions of the agreement, such as tracing you; or to institute legal proceedings against you;
- to conduct market and behavioural research, including scoring and analysis to determine if you qualify for products and services, or to determine your credit or insurance risk;
- to develop, test and improve products and services for you;
- for statistical purposes, such as market segmentation;

- to process payment instruments (such as a cheque) and payment instructions (such as a debit order);
- to create, manufacture and print payment instruments (such as a cheque) and payment devices (such as a debit card);
- to conduct affordability assessments, credit assessments and credit scoring;
- to develop credit models and credit tools;
- to open, manage and maintain your accounts or relationship with us;
- to disclose and obtain personal information from credit bureaux regarding your credit history;
- to enable us to deliver goods, documents or notices to you;
- for security and identity verification, and to check the accuracy of your personal information;
- to communicate with you and carry out your instructions and requests;
- for customer satisfaction surveys, promotional and other competitions;
- for insurance and assurance underwriting and administration;
- to process or consider or assess insurance or assurance claims;
- to provide insurance and assurance policies and products, and related services;
- to enable you to participate in customer loyalty reward programmes: determine your qualification for participation, rewards points, rewards level, and monitor your buying behaviour with our rewards partners to allocate the correct points or inform you of appropriate products, goods and services you may be interested in, or to inform our reward partners about your purchasing behaviour;
- to enable you to participate in and make use of value added products and services;
- to assess our lending and insurance risks; and/or
- for any other related purposes.

## **6 HOW WE USE YOUR PERSONAL INFORMATION FOR MARKETING**

- We will use your personal information to market financial, insurance, investments and other related banking products and services to you.
- We may also market non-banking or non-financial products, goods, or services to you.
- We will do this in person, by post, telephone, or electronic channels such as SMS, email and fax.
- If you are not our customer, or in any other instances where the law requires, we will only market to you by electronic communications with your consent.
- In all cases, you can tell us to stop sending marketing communications to you at any time.

## **7 WHEN WILL WE USE YOUR PERSONAL INFORMATION TO MAKE AUTOMATED DECISIONS ABOUT YOU?**

An automated decision is made when your personal information is analysed without human intervention in that decision-making process.

We may use your personal information to make an automated decision as allowed by the law. An example of automated decision making is the approval or declining of a credit application when you apply for an overdraft or credit card, or the approval or declining of an insurance claim.

You have the right to query any such decisions made, and we will provide reasons for the decisions as far as reasonably possible.

## **8 WHEN, HOW, AND WITH WHOM DO WE SHARE YOUR PERSONAL INFORMATION?**

In general, we will only share your personal information if any one or more of the following apply:

- if you have consented to this;
- if it is necessary to conclude or perform under a contract we have with you;
- if the law requires it; and/or
- if it is necessary to protect or pursue your, our or a third party's legitimate interests.

Where required, each member of the FirstRand group may share your personal information with the following persons. These persons have an obligation to keep your personal information secure and confidential:

- other members of the FirstRand group, its associates, cessionaries, delegates, assigns, affiliates or successors in title and / or appointed third parties (such as its authorised agents, partners, contractors and suppliers) for any of the purposes identified in this Privacy Policy;
- our employees, as required by their employment conditions;
- attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements;
- payment processing services providers, merchants, banks and other persons that assist with the processing of your payment instructions, such as card scheme providers (including VISA and MasterCard);
- insurers, brokers, other financial institutions or other organisations that assist with insurance and assurance underwriting, the providing of insurance and assurance policies and products, the assessment of insurance and assurance claims, and other related purposes;
- law enforcement and fraud prevention agencies, and other persons tasked with the prevention and prosecution of crime;
- regulatory authorities, industry ombudsmen, government departments, local and international tax authorities, and other persons the law requires us to share your personal information with;
- credit bureaux;



- our service providers, agents and sub-contractors such as couriers and other persons we use to offer and provide products and services to you;
- persons to whom we have ceded our rights or delegated its obligations to under agreements, such as where a business is sold;
- courts of law or tribunals that require the personal information to adjudicate referrals, actions or applications;
- the general public, where you submit content to our social media sites such as our Facebook page;
- trustees, executors or curators appointed by a court of law;
- cheque verification service providers;
- participating partners in our customer loyalty reward programmes, where you purchase goods, products and service or spend loyalty rewards; and/or
- our joint venture and other partners with whom we have concluded business agreements.

## **9 WHEN AND HOW WE OBTAIN, AND SHARE YOUR PERSONAL INFORMATION FROM/WITH CREDIT BUREAUX**

We may obtain your personal information from credit bureaux for any one or more of the following reasons:

- if you requested us to do so, or agreed that we may do so;
- to verify your identity;
- to obtain or verify your employment details;
- to obtain and verify your marital status;
- to obtain, verify, or update your contact or address details;
- to obtain a credit report about you, which includes your credit history and credit score, when you apply for a credit agreement to prevent reckless lending or over-indebtedness;
- to determine your credit risk;
- for debt recovery;
- to trace your whereabouts;
- to update your contact details;
- to conduct research, statistical analysis or system testing;
- to determine the source(s) of your income;
- to build credit scorecards which are used to evaluate credit applications; and/or
- to determine which products and services to promote or to offer to you.

We will share your personal information with the credit bureaux for, among others, any one or more of the following reasons:

- to report the application for a credit agreement;
- to report the opening of a credit agreement;

- to report the termination of a credit agreement;
- to report payment behaviour on a credit agreement; and/or
- to report non-compliance with a credit agreement, such as not paying in full or on time.

Please refer to your specific credit agreement with us for further information.

## **10 UNDER WHAT CIRCUMSTANCES WILL WE TRANSFER YOUR INFORMATION TO OTHER COUNTRIES?**

We will only transfer your personal information to third parties in another country in any one or more of the following circumstances:

- where your personal information will be adequately protected under the other country's laws or an agreement with the third-party recipient;
- where the transfer is necessary to enter into, or perform, under a contract with you or a contract with a third party that is in your interest;
- where you have consented to the transfer; and/or
- where it is not reasonably practical to obtain your consent, the transfer is in your interest.

This transfer will happen within the requirements and safeguards of the law.

Where possible, the party processing your personal information in the other country will agree to apply the same level of protection as available by law in your country, or if the other country's laws provide better protection, the other country's laws would be agreed to and applied.

An example of us transferring your personal information to another country would be when you make payments if you purchase goods or services in a foreign country.

**TAKE NOTE:** As the FirstRand group operates in several countries, your personal information may be shared within FirstRand group entities in other countries, and processed in those countries.

## **11 YOUR DUTIES AND RIGHTS REGARDING THE PERSONAL INFORMATION WE HAVE ABOUT YOU**

You must provide proof of identity when enforcing the rights below.

You must inform us when your personal information changes.

Please refer to our Promotion of Access to Information Act 2 of 2000 Manual (PAIA Manual) for further information on how you can give effect to the rights listed below. The PAIA Manual is located on the group's website, [www.firstrand.co.za](http://www.firstrand.co.za).

You have the right to request access to the personal information we have about you by contacting us. This includes requesting:

- confirmation that we hold your personal information;
- a copy or description of the record containing your personal information; and
- the identity or categories of third parties who have had access to your personal information.

We will attend to requests for access to personal information within a reasonable time. You may be required to pay a reasonable fee to receive copies or descriptions of records, or information about, third parties. We will inform you of the fee before attending to your request.

Please note that the law may limit your right to access information.

You have the right to request us to correct or delete the personal information we have about you if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully, or if we are no longer authorised to keep it. You must inform us of your request in writing.

Please refer to our PAIA Manual for further information in this regard, such as the process you should follow to give effect to this right. It may take up to 15 business days for the change to reflect on our systems. We may request documents from you to verify the change in personal information.

A specific agreement that you have entered into with us may determine how you must change your personal information provided at the time when you entered into the specific agreement. Please adhere to these requirements.

If the law requires us to keep the personal information, it will not be deleted upon your request. The deletion of certain personal information may lead to the termination of your business relationship with us.

You may object on reasonable grounds to the processing of your personal information.

We will not be able to give effect to your objection if the processing of your personal information was and is permitted by law, you have provided consent to the processing, and our processing was conducted in line with your consent; or the processing is necessary to conclude or perform under a contract with you.

You must inform us of any objection in writing. Please refer to our PAIA Manual for further information in this regard, such as the process you should follow to give effect to this right.

Where you have provided your consent for the processing of your personal information, you may withdraw your consent. If you withdraw your consent, we will explain the consequences to you. We may proceed to process your personal information, even if you have withdrawn your consent, if the law permits or requires it. It may take up to 15 business days for the change to reflect on our systems. During this time, we may still process your personal information.

You have a right to file a complaint with us or any regulator with jurisdiction about an alleged contravention of the protection of your personal information. We will address your complaint as far as possible.

## 12 HOW WE SECURE YOUR PERSONAL INFORMATION

We will take appropriate and reasonable technical and organisational steps to protect your personal information in line with industry best practices. Our security measures, including physical, technological and procedural safeguards, will be appropriate and reasonable. This includes the following:

- keeping our systems secure (such as monitoring access and usage);
- storing our records securely;
- controlling the access to our buildings, systems and/or records; and
- safely destroying or deleting records.

You can also protect your personal information. Please visit the website of the relevant business you have established a business relationship with for more information.

## 13 HOW LONG DO WE KEEP YOUR PERSONAL INFORMATION?

We will keep your personal information for as long as:

- the law requires us to keep it;
- a contract between you and the FirstRand group requires us to keep it;
- you have consented to us keeping it;
- we are required to keep it to achieve the purposes listed in this Privacy Policy;
- we require it for statistical or research purposes;
- a code of conduct requires us to keep it; and/or
- we require it for our lawful business purposes.

**TAKE NOTE:** We may keep your personal information even if you no longer have a relationship with us, if the law permits.

## 14 OUR COOKIE POLICY

A cookie is a small piece of data sent from our websites or applications to your computer's or device's hard drive, or internet browser where. It is saved there. The cookie contains information to personalise your experience on our websites or applications and may improve your experience on the websites or applications. The cookie will also identify your device, such as the computer or smart phone.

By using our websites or applications you agree that cookies may be forwarded from the relevant website or application to your computer or device. The cookie will enable us to know that you have

visited the website or application before and will identify you. We may also use the cookie to prevent fraud.

## **15 HOW WE PROCESS INFORMATION ABOUT PERSONS RELATED TO A JURISTIC PERSON**

If you are a juristic person, such as a company or close corporation, we may collect and use personal information relating to the juristic person's directors, officers, employees, beneficial owners, partners, shareholders, members, authorised signatories, representatives, agents, payers, payees, customers, guarantors, spouses of guarantors, sureties, spouses of sureties, other security providers and other persons related to the juristic person. These are related persons.

If you provide the personal information of a related person to us, you warrant that the related person is aware that you are sharing their personal information with us, and that the related person has consented thereto.

We will process the personal information of related persons as stated in this Privacy Policy, thus references to "you" or "your" in this Privacy Policy will include related persons with the necessary amendments.

## **16 INFORMATION WE MAY SHARE WITH OTHER BANKS OR REQUEST FROM OTHER BANKS**

- Another bank may ask us, at the request of that bank's customer or for the bank itself, to provide information about your financial position. This is done by issuing what is known as a banker's code.
- These banker's references and codes are usually requested when you wish to establish a relationship with the other bank or when you are applying for a trade account with another bank's customer.
- It is information about your financial position, which is based on how you managed your transactional account with us. The information is provided in the form of a banker's reference and code.
- The banker's references and codes will only be provided with your express, implied, or tacit consent.

## **17 WHAT IS PERSONAL INFORMATION?**

Personal information refers to any information that identifies you or specifically relates to you. Personal information includes, but is not limited to, the following information about you:

- your marital status (like married, single, divorced); your national origin; your age; your language; birth; education;
- your financial history (like your income or your buying, investing and banking behaviour based on, amongst others, account transactions);

- your identifying number (like an account number, identity number or passport number);
- your e-mail address; physical address (like residential address, work address or your physical location); telephone number;
- your online identifiers; social media profiles;
- your biometric information (like fingerprints, your signature or voice);
- your race; gender;
- your physical health; mental health; well-being; disability; religion; belief; conscience; culture;
- your medical history (like your HIV / AIDS status); criminal history; employment history;
- your personal views, preferences and opinions;
- your confidential correspondence; and / or
- another's views or opinions about you and your name also constitute your personal information.

## **18 WHAT IS SPECIAL PERSONAL INFORMATION?**

Special personal information is personal information about the following:

- your religious and your philosophical beliefs (for example where you enter a competition and you are requested to express your philosophical view);
- your race (like where you apply for a product or service where the statistical information must be recorded);
- your ethnic origin;
- your trade union membership;
- your political beliefs;
- your health (like where you apply for an insurance policy);
- your biometric information (like to verify your identity); and / or
- your criminal behaviour and alleged commission of an offence (like to prevent money laundering as required by law or when you apply for employment or enter into a relationship with us).