

## Privacy Statement for Clients

### Introduction

China Construction Bank, Toronto Branch, (“**CCB TO**”) is an authorized foreign bank branch permitted to carry on business in Canada. **CCB TO** is committed to keeping Personal Information accurate, confidential, secure and private. Please read this CCB TO Customer Privacy Statement carefully to understand your and CCB TO’s rights and responsibilities with respect to the collection, use and disclosure of Personal Information. This Policy is based on the Canadian Federal *Personal Information Protection and Electronic Documents Act* (“**PIPEDA**”).

### Scope and Nature of Privacy Policy

This Policy explains how CCB TO collects, uses, discloses and protects the privacy of Personal Information in its possession or control regarding its customers or individuals associated with its customers. This Policy does not apply to information about CCB TO’s current, former or prospective Officers, Employees and Agents.

This Privacy Policy **does not apply** to information about businesses that carry on business as corporations, partnerships or other legal entities. However, CCB TO does protect the confidentiality of such information in accordance with the law and CCB TO’s own internal policies.

This Policy, however, **does apply** to Personal Information supplied by the corporate customers as part of the customer on-boarding process, including individual identification information and verification data taken from directors and/or authorized signatories and/or the ultimate (beneficial) owners of the customer who are individuals, or individuals associated with such individuals. In some cases, information is collected that relates to other business interests of the ultimate individuals that own the customer. This policy applies to that information and also to information collected about individual owners of sole proprietorships and individual loan guarantors.

“**Personal Information**” is information about an identifiable individual. It includes any factual or subjective information, other than certain information excluded by law. Personal Information may include but is not limited to the individual’s name, mailing address, telephone number, email address, age, gender, marital status, health status, financial status, Social Insurance Number, credit card information and credit history. It includes information that the individual has provided to CCB TO or that was collected by CCB TO from other sources with their consent.

The following sets out the ten principles of privacy, to which CCB TO is committed to adhering in order to protect the privacy and confidentiality of Personal Information.

## **1. Accountability**

*An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.*

CCB TO has appointed its Chief Compliance Officer as its Chief Privacy Officer (CPO). Our Chief Privacy Officer is responsible for programme governance, which includes policy and procedure development, training, communication, dispute resolution, and reporting to the branch management.

The CPO, along with Senior Management and all employees are accountable and responsible for the protection of personal information collected, used, or disclosed by the Branch and compliance with the applicable legislative requirements and commitments to individuals.

In the event of a breach of personal information, the Privacy Officer will assist in the risk assessment of the breach and will advise whether or not the individual(s), whose information was disclosed, and the Privacy Commissioner should be advised of the breach. A material breach is considered to have occurred if it is reasonable in the circumstances to believe that the breach creates a real risk of "significant harm" to the individual having regard to

- i. the sensitivity of the information;
- ii. the probability that the information has been, is being or will be misused.

"Significant harm" includes bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record and damage to or loss of property.

## **2. Identifying the Purposes for Collecting Personal Information**

*The purposes for which personal information is collected shall be identified by the organization at or before the time the personal information is collected.*

Personal Information is collected by CCB TO when a customer, an individual associated with a customer or a third party provides it to us. This Personal Information is used by CCB TO to better serve its customers' needs, to verify the identity of customers or individuals associated with customers (including checking identity against watch lists established by regulatory agencies and similar bodies in Canada and foreign countries), to evaluate creditworthiness, meet processing requirements, to protect against fraud, to detect and deter money laundering and terrorist financing offences, including to assess the risk of such offences, to provide customers with requested products and services, to conduct internal risk assessments, and to comply with applicable laws and regulations such as mandated transaction surveillance, and reporting to Canadian and foreign governmental agencies where required by law.

Only personal information which is necessary to provide the Branch's services or to provide information about its services will be collected.

The purposes for which personal information is collected must be specified at or before the information is collected.

Personal Information is also shared within CCB Head Office and its wholly owned affiliates and subsidiaries as necessary for the purposes just described, including so that CCB TO can appropriately identify and service its customers and to ensure that all legal and regulatory requirements are met.

As a result, certain data concerning and arising out of CCB TO's business relationship with its customers is maintained in CCB's secure systems in locations where CCB is carrying on business, with systems located in China. Data is made available on a need-to-know basis to a limited number of relevant specialists within the Bank and its wholly owned affiliates and subsidiaries along with a limited number of third-party service providers and bank regulators. Under the laws of these other jurisdictions, in certain circumstances, foreign courts, law enforcement agencies, or regulatory agencies may be entitled to access an individual's Personal Information without notice to the individual.

### **3. Obtaining Consent**

*The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.*

When a customer applies for a new product or service, CCB TO will ask for consent to collect, use or disclose Personal Information, prior to providing the product or service. An individual may also be requested from time to time to consent to the collection, use and disclosure of Personal Information for purposes that have not been previously identified. This consent will be obtained at or before the time that Personal Information is collected or used for a new purpose. The individual must understand the nature, purpose and consequence of the collection. Consent may also be implied (for example, when an individual provides information necessary for a service he or she has requested).

An individual can withdraw consent at any time, provided this is not prohibited by law, or by a contractual arrangement which the individual has entered into and does not relate to a credit facility after credit has been granted. Any implications of withdrawing consent must be communicated at the time of the request.

There may be times when the Branch must disclose personal information about an individual, without the individual's consent or knowledge. For example, the Branch may have to disclose personal information when served with a court order, or pursuant to any legal or regulatory requirement, to assist in law enforcement, or in the detection or prevention of fraud.

### **4. Limiting Collection**

*The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Personal information shall be collected by fair and lawful means.*

The Branch will inform the individual when and how it collects personal information, and will not deceive or overtly or covertly coerce the individual into providing personal information. Personal information will not be collected in contravention of any law or regulation. The Branch may also collect personal information about you from third parties that are available to the public to satisfy legal or regulatory requirements in order to know our customers.

CCB TO has recorded telephone lines which support our Treasury activity. This helps protect both you and us by providing a record of the conversation. It also helps us monitor the accuracy, security and service quality of the service we offer.

CCBTB does not collect any personal information from visitors browsing our website. Personal information may be requested if a visitor chooses to send CCB TO an email message.

CCBTB may use video surveillance in and around its branch for the safety of its customers and employees, and protect against theft, vandalism and fraud.

## **5. Limiting Use, Disclosure and Retention**

*Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual, or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of these purposes.*

The Branch will not use personal information for any purposes other than those for which it was collected.

The Branch will retain personal information in accordance with the documented retention criteria set forth in the Records Management Policy.

CCB TO may use third party or related party service providers to provide services on its behalf such as data processing, account administration and marketing. They will be given only the Personal Information necessary to perform those services. Contracts will be in place holding these parties to the same high standards of confidentiality by which CCB TO is governed. In some cases, these other parties may be located outside of Canada.

Note that Personal Information may be released to Canadian or foreign legal or regulatory authorities in cases of suspected money laundering, terrorist financing, insider trading, manipulative or deceptive trading, or other potentially criminal or unlawful activity, for the detection and prevention of fraud, or when required to satisfy the legal or regulatory requirements of Canadian or foreign governments, regulatory authorities or other self-regulatory organizations.

CCB TO may act as an agent for other lenders in a syndicated transaction, and as a result may collect, use and disclose Personal Information on behalf of itself and the other lenders for the purposes of verifying identity. CCB TO may share all of the Personal Information it collects in connection with the foregoing with all of the lenders to the syndicated transaction.

CCB TO has policies in place that govern the retention of customer Personal Information so it will be kept only for as long as it fulfills its intended purpose or as legally required.

## **6. Accuracy**

*Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.*

The Branch will use commercially reasonable efforts to update the personal information it holds about an individual as necessary, to prevent inaccurate personal information being disclosed, and as applicable to avoid making wrong or unfair decisions about the individual. Customers are encouraged to contact their banking Relationship Managers to update their personal information.

If a Customer has questions about the accuracy of Personal Information collected by CCB TO, the customer may request access to the information to verify and update it. If CCB TO has disclosed inaccurate information about a customer to a third party, it will contact that third party to advise them of the error.

## **7. Safeguards**

*Personal information shall be protected by security safeguards appropriate to the sensitivity of the personal information.*

The Branch takes responsibility to protect the security and privacy of Personal Information and takes reasonable measures to assure the reliability of the data it collects. CCB TO has physical, equipment and procedural safeguards in place, including an Information Security Policy to protect personal information from loss, theft and unauthorized access, use, disclosure, copying, modification or disposal.

All members of CCB TO and any third-party service providers that have been engaged by or on behalf of CCB TO are required to adhere to those same strict security and technology standards and can only have access to this information subject to confidentiality obligations.

## **8. Openness**

*An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.*

The Branch makes readily available to customers specific information about its policies and procedures relating to the management of Personal Information. Customers can request specific information about CCB TO policies and procedures by contacting the Canadian Privacy Officer.

## **9. Individual Access**

*Upon request, an individual shall be informed of the existence, use, and disclosure of their personal information, and shall be given access to that personal information. An individual shall be able to challenge the accuracy and completeness of the personal information, and have it amended as appropriate.*

Upon written request, an individual may review, verify, update or change their personal information or request access about the existence, use and disclosure of their personal information on file with CCB TO. All information will be appropriately reviewed before access is granted. There will be no fee for verifying or updating your personal information. However, there may be a reasonable or minimal fee if you request copies of records. CCB TO will advise you of any fees in advance. And obtain your acceptance of the charge before processing your request.

The Branch will promptly respond to your request about personal information within 30 days unless meeting the time limit would unreasonably interfere with CCB TOs activities or is impracticable. If an extension is required, the Branch will notify the individual and explain the reasons for the extension and their rights under the privacy legislation, including the right to complain to the Privacy Commissioner. If requested, the Branch will let an individual know how and for what purposes it has used or uses personal information, and the names of any third parties to which it has or may have been disclosed.

There may be limited and specific circumstances when the Branch cannot allow the individual access to certain records, which may contain personal information about the individual. For example:

- The records may contain information about other individuals, or other parties to whom the Branch owes a duty of confidentiality under law and the excepted information cannot be severed;
- The personal information may be subject to solicitor-client or litigation privilege;
- The personal information would reveal information that is the confidential commercial information of the Branch; and
- The personal information cannot be disclosed for legal reasons;
- If the information has been passed to FINTRAC or government body, they must be advised before access is granted.

If these circumstances are encountered, the reasons for withholding access will be explained to the individual and the contact information for the Privacy Officer who can answer the individual's questions concerning the refusal. The individual can challenge this refusal by using the complaint mechanisms outlined in Principle 10.

## **10. Challenging Compliance**

*An individual shall be able to address a challenge concerning compliance with the above principles to the person or persons accountable for the organization's compliance.*

Individuals may challenge CCB TO's compliance with this Policy. The Privacy Officer is accountable for the Branch's compliance and will investigate any concerns or complaints, in consultation with and in conjunction with external counsel, to recommend action and implement any and all appropriate corrective or remedial actions as applicable and warranted.

Privacy complaints and inquiries should be directed to the Chief Privacy Officer using the email address [TorontoCompliance@ca.ccb.com](mailto:TorontoCompliance@ca.ccb.com) or by mail to:

Office of the Chief Privacy Officer  
China Construction Branch, Toronto Branch  
181 Bay Street, Suite 3650  
Toronto, Ontario, Canada  
M5J 2T3

The **Office of the Privacy Commissioner of Canada** investigates privacy issues under the *Personal Information Protection and Electronic Documents Act* (Canada). Individuals, can, if their complaint is not

resolved to their satisfaction and concerns a privacy issue under federal law, may address their concerns in writing to:

The Privacy Commissioner of Canada  
112 Kent Street  
Place de Ville  
Tower B, 3rd Floor  
Ottawa, Ontario K1A 1H3