



# Industrial and Commercial Bank of China (New Zealand) Limited and Industrial and Commercial Bank of China Limited, Auckland Branch

## Privacy Policy

This is the Privacy Policy of Industrial and Commercial Bank of China (New Zealand) Limited (**ICBCNZ**) and Industrial and Commercial Bank of China Limited, Auckland Branch (**Auckland Branch**). **We, our** or **us** means both of us, or the relevant one.

Industrial and Commercial Bank of China Limited (**ICBC**) is the parent of ICBCNZ. Together, ICBC (including Auckland Branch) and its subsidiaries (including ICBCNZ) and our related companies are the **Group**. ('Related company' has the meaning given to that term in section 2(3) of the Companies Act 1993, but as if 'company' includes a company or other body corporate incorporated in New Zealand or any other jurisdiction.)

### 1. This Privacy Policy

This Privacy Policy describes the type of information that we will collect about you, how we will handle, store and protect your information, who we can share your information with and your rights to the personal information we hold.

Personal information is any information that could identify you, such as your name and contact information (**Personal Information**). It also includes any information that has a bearing on credit that you apply for or that is being provided to you.

We take privacy seriously. We know how important it is to keep your Personal Information safe and secure. We will comply with all privacy laws and rules of banker's confidentiality that apply to us.

By contacting us (by phone, email or in person), accessing our website, using other electronic services we provide, or requesting and/or using our products and services, you consent to the collection, use, disclosure, storage and processing of your Personal Information and data in accordance with this Privacy Policy.

This Privacy Policy applies to all products and services made available in New Zealand by us.

### 2. Personal Information under this Policy

You agree that we may collect, retain, use, store and disclose the following types of information in accordance with this Privacy Policy:

- your name, address, date of birth, other contact information and other Personal Information about you including information which you have shared publicly on any social media platforms;
- information about your account and account activity or your loan and all interactions and correspondence with us including through any electronic service (such as our website or apps), online chat, telephone call or visit to one of our branches (including video recordings of you when you're in a branch);
- information about your property or goods;
- information about your credit history, personal finances and credit requirements;
- a copy of any document you provide to us, including electronically (for example, your driver licence or passport) and any Personal Information contained in those documents;

- details of your computer, network or mobile device including your activity within or in connection to any electronic service used or provided by us, including e-mail, social media, electronic document collection and any mobile or other electronic application (including, for example, your IP address and security information).

We will collect your Personal Information directly from you, where possible, but we may also collect your Personal Information from common internet technologies (like cookies) and any of the sources under the heading "Sharing your Personal Information".

If you give us, or authorise us to collect, personal information about another person (such as a guarantor), you will need to have their authority to provide us with their personal information and you'll also need to have informed them of their rights to access and request correction of their personal information.

### 3. Using your Personal Information

You authorise us to collect, retain, use, store and disclose your Personal Information in order to:

- assess/process any application or quotation enquiry you submit to us, including assessing your current and on-going credit worthiness;
- open and manage/administer your account, issue any loan or product to you following a successful application or provide any other service to you;
- maintain the integrity and effectiveness of our credit records and those of credit reporting agencies, including information about your credit history;
- enforce any defaults under your account(s) or loan(s);
- monitor your account(s) to prevent and detect fraud;
- inform you when the accounts, loans or other products we supply to you may require action or attention;
- verify your identity and address as required, including electronically;
- communicate with you about your application, or any account or any loan or other product which we've provided to you;
- (unless you opt out) let you know about any promotion, products or services being offered by a member of the Group;
- run and develop our business, for example carrying out data analytics to understand how customers use our products and services;
- conduct market research and statistical analysis; and
- ensure we can comply with our legal obligations including under New Zealand and overseas laws, regulations and prohibitions, under requirements imposed by the New Zealand Government or government agencies or regulators and under industry codes of conduct or banking practice (whether or not some of these things have the force of law) (together, **Legal Requirements**).

### 4. Sharing your Personal Information

You agree that we may share your Personal Information (for the above purposes) with and may also request and obtain Personal Information about you from:

- other members of the Group and any broker relevant to your application, account, loan or other product;
- credit reporting agencies, past and current credit providers, government agencies (such as regulators, the New Zealand Government, the New Zealand Transport Agency, the New Zealand Department of Internal

Affairs and Inland Revenue), employers, banks, fraud data exchange and reporting agencies or law enforcement agencies;

- third parties for marketing, data processing (including third party service providers which assist any member of the Group to operate any electronic service) and data or statistical analysis;
- any agents of third parties who provide services to any member of the Group;
- debt collection agencies and other providers of relevant professional services (like law firms, accountants or dispute resolution schemes);
- any joint account holder;
- guarantors of, or anyone who has provided security to us in relation to, your obligations to us;
- insurers in relation to any money you owe us or any property that you have given us security over;
- anyone that we need to contact in order to carry out your instructions to us (including other banks or financial institutions or the recipient of an automatic payment, bill payment, same day cleared payment or direct debit), or who helps us prevent or investigate fraud or other illegal activity; and
- any assignee (or potential assignee) of our rights in relation to your account, loan or other product.

Some of the organisations we share information with may be overseas. These organisations may have to comply with laws that require them to disclose your Personal Information.

To comply with our Legal Obligations, we may have to disclose your Personal Information:

- to agencies and other entities that prevent, report or investigate unlawful activities like scams, fraud, money laundering or other illegal activities (for example, under the Anti-Money Laundering and Counter Financing of Terrorism Act 2009); and
- to regulatory or government bodies like Inland Revenue, the Courts and the police.

We'll disclose your Personal Information in these situations if we reasonably believe that the people requesting it have the authority to have it, or that we're required to release it. They may pass your Personal Information on to other people or agencies (in New Zealand or overseas). See below for information on FATCA. We may not be allowed to let you know that we've disclosed your personal information to others. We're also not responsible to you or anyone else if we disclose your information for one of the purposes listed above.

You agree that:

- we're authorised to request and obtain your Personal Information from all of the above sources, and that the above sources may provide that information to us; and
- we can disclose your Personal Information to those people and organisations.

## **5. FATCA**

To comply with requirements of US tax law (under the Foreign Account Tax Compliance Act, or 'FATCA'), we have to confirm the FATCA status of all potential 'US persons' (individuals or businesses) and report their accounts to Inland Revenue (if account balances are over certain thresholds). Inland Revenue will pass this customer and account information on to the US IRS.

We may therefore have to check whether you are (or any entity that controls you is) a US person, in order for us to meet our FATCA obligations. If you share a joint account with a US person, details of that joint account may be reported. We'll try to avoid reporting the account and customer details for customers who are not US persons (or controlled by US persons), but if we're not able to confirm a customer's FATCA status then we may be required to report their account to the Inland Revenue.

Inland Revenue have information about FATCA on their website ([www.ird.govt.nz](http://www.ird.govt.nz)) or you can contact us if you'd like to discuss FATCA and how it might affect you.

## **6. Credit reporting agencies**

The information we disclose about you to a credit reporting agency may include both positive and negative payment history information. Credit reporting agencies may use information disclosed by us to update their credit reporting database, and may disclose any information that they hold about you to their own customers as permitted under the Credit Reporting Privacy Code.

In addition, we may use any service provided by credit reporting agencies to receive updates of the information we hold about you.

You can ask credit reporters for a copy of the credit information they hold about you, and ask them to correct your information if you think there's a mistake or it needs to be updated.

You agree that should any check with a credit reporting agency reveal adverse information, we are authorised by you, where there are multiple applicants, to inform any applicant of this fact.

## **7. Cookies**

A "cookie" is a text file or small piece of data that is placed on your device by a website to capture information about your visit. We use cookies (including cookies developed by our third-party service providers) for a number of purposes, including improving our services and enhancing your online experience with us, and maintaining the secure connection between your browser and our servers while you are using our websites.

If you access our website, and your cookies are enabled on your device, we will be able to collect your Personal Information. The information will be used to:

- identify you and your browser, and determine if your device has previously visited our website;
- improve our advertising and deliver you content or offers we think are more relevant and personal to you both on and outside our website; or
- detect malicious activity from your device that may place your financial security at risk.

While we recommend users enable cookies on their browsers in order to enjoy all the features of our website, this is your decision. Most browsers allow you to control management of cookies. However, be aware that you won't be able to use our secure online banking services if you block some or all cookies. In addition, other websites and applications may not function properly.

Sometimes our apps and websites have links to third-party apps and websites. We take care when we choose websites we link to, but please note we are not responsible for their content, accuracy, or privacy practices.

## **8. Storing your Personal Information**

Your Personal Information will be stored either in paper files or electronically in secure data centres located in New Zealand or overseas that are owned either by the Group or its external service providers.

We won't store your Personal Information in countries that are subject to United Nations sanctions, or share your Personal Information with companies or organisations in those countries.

We take active steps to protect your Personal Information from loss and unauthorised use, access, modification or disclosure. For example:

- we have a cybersecurity team that looks after and protects your information;
- all employees are required to complete training about information security; and

- we regularly monitor and review our compliance (and our service providers' compliance) with internal policies and industry best practice.

If we transfer your Personal Information to another entity, in New Zealand or overseas (such as China), we'll ensure the recipient protects your Personal Information to the standard required under the Privacy Act. We'll use reasonable security safeguards, like file encryption, to protect your Personal Information.

We're required to hold onto certain Personal Information by certain New Zealand and international laws. We usually have to hold Personal Information for at least 7 years. However we may have to keep certain types of information for longer, even if you're no longer a customer.

## **9. What we'll do if there's a breach of privacy**

If we become aware of a breach of privacy, we'll investigate and do what we can to address it. If you think a privacy breach has occurred, please tell us as soon as you can.

We'll also contact the Privacy Commissioner, and other relevant parties, if the privacy breach is serious.

## **10. Your rights**

It is your decision whether you wish to provide your Personal Information to us. If you do not consent to us collecting and disclosing your Personal Information in the ways described above, we may not be able to process your application, or offer all of our products or services to you.

You can unsubscribe from any marketing communications from us by following the instructions on any communications we send to you, or by calling us on +64 9 374 7266.

You are entitled (on request) to receive confirmation of whether we're holding any of your Personal Information. You may request access to it, and you have the right to request correction and the right to be notified of action taken in response to any such request, subject to payment of any reasonable charges. If you wish to access your Personal Information or if any of the Personal Information we have is incorrect, or you think we have breached our obligations under the Privacy Act, please call our Contact Centre on 0800 99 55 88 during business hours, or contact us by post:

ICBC Privacy Officer

PO Box 106656

Auckland 1143

If you are unhappy with our response to any privacy concern or complaint raised, you may wish to contact either the Privacy Commissioner at [privacy.org.nz](https://www.privacy.org.nz) or the Banking Ombudsman Scheme at [bankomb.org.nz](https://www.bankomb.org.nz).

## **11. Changes to this Privacy Policy**

We may vary this Privacy Policy from time to time. You will be given at least 14 days' notice of any variation either by post to your last known address (physical or electronic), notice in branch or notice on our website.

We are not obliged to give you advance notice if an immediate change to this Privacy Policy is deemed necessary for security purposes.

You agree to be bound by the Privacy Policy that is in effect at the time you contact us or use our products or services.