



Notice to Customers and Others relating to the Personal Data (Privacy) Ordinance and Winton Financial Limited's Data Policy etc. (the "Notice")

This Notice provides information regarding the policy and practice of Winton Financial Limited in relation to personal and other data concerning Data Subjects.

- (a) From time to time, it is necessary for Data Subjects to supply the Company with data in connection with the opening or continuation of accounts and the establishment or continuation of credit facilities or provision of related services or compliance with any laws or guidelines issued by regulatory or other authorities.
- (b) Failure to supply such data may result in the Company being unable to open or continue accounts or establish or continue credit facilities or provide any other type of services or comply with any laws or guidelines issued by regulatory or other authorities.
- (c) It is also the case that data are collected from Data Subjects in the ordinary course of the continuation of the financial relationship (for example, when apply for credit facilities) and where relevant from other parties in the ordinary course of or for the purpose of the Company's business (e.g. from credit reference agency for the purpose of credit assessment when considering credit application, from the Company's corporate customer in which the Data Subject is a shareholder director or other officer when the corporate customer opens an account with the Company).
- (d) The purposes for which data relating to a Data Subject may be used are as follows:
- (i) the daily operation of the services and credit facilities provided to customers;
 - (ii) conducting credit checks (including without limitation upon an application for consumer credit (including mortgage loans) and upon periodic or special reviews of the credit which normally will take place one or more times each year);
 - (iii) processing applications for financial services and any other type of facilities;
 - (iv) creating and maintaining the Company's credit and risk related models;
 - (v) provision of reference (status enquires);
 - (vi) maintaining credit history of Data Subjects;
 - (vii) assisting other financial institutions to conduct credit checks, collect and recover debts;
 - (viii) ensuring ongoing credit worthiness of Data Subjects;
 - (ix) designing and improving financial services or related products for Data Subjects' use;
 - (x) marketing services and products (please see further details in paragraph (g) below);
 - (xi) internal monitoring and control, including but without limitation to determining amounts owed to or by Data Subjects;
 - (xii) enforcement of Data Subjects' obligations, including but without limitation to collection of amounts outstanding from Data Subjects and those providing security or otherwise acting as surety for the obligations of customers and other parties having liability to the Company;
 - (xiii) complying with the obligations, requirements or arrangements for disclosing and using data that apply to the Company or that it is expected to comply according to:
 - (1) any law, regulation, judgment, court order, voluntary code, sanctions regime, within or outside the Hong Kong Special Administrative Region existing currently and in the future (the "Laws");
 - (2) any guidelines or guidance given or issued by any legal, regulatory, governmental, tax, law enforcement or other authorities, or self-regulatory or industry bodies or associations of financial services providers within or outside the Hong Kong Special Administrative Region existing currently and in the future;
 - (3) any present or future contractual or other commitment with local or foreign legal, regulatory, judicial, administrative, public or law enforcement body, or governmental, tax, revenue, monetary, court, central bank or other authorities, or self-regulatory, industry bodies or associations of financial services providers, or any of their agents with jurisdiction over all or any part of the Group Company (the "Authorities") that is assumed by, imposed on or applicable to the Company or any member of the Group Company; or
 - (4) any agreement or treaty between the Authorities;
- (xiv) conducting any action to meet obligations of the Company or any member of the Group Company to comply with the Laws or international guidance or regulatory requests relating to or in connection with the detection, investigation and prevention of money laundering, terrorist financing, bribery, corruption, tax evasion, fraud, evasion of economic or trade sanctions and/or any acts or attempts to circumvent or violate relevant laws relating to these matters;
- (xv) meeting any obligations of the Company or any member of the Group Company to comply with any demand or request from the Authorities;
- (xvi) complying with any obligations, requirements, policies, procedures, measures or arrangements for sharing data and information with the Company and/or any other use of data and information in accordance with any group-wide programmes for compliance with sanctions or prevention or detection of money laundering, terrorist financing or other unlawful activities;
- (xvii) enabling an actual or proposed assignee of the Company, or participant or sub-participant of the Company's rights in respect of the Data Subject to evaluate the transaction intended to be the subject of the assignment, participation or sub-participation;
- (xviii) conducting matching procedures (including related comparisons), whether for credit checking, data verification or otherwise and whether or not for and/or would result in adverse actions against the Data Subjects;
- (xix) responding to requests for information made for the purpose of complying with legal and/or regulatory requirements or by the court, the police, the law enforcement, supervisory or regulatory authority;
- (xx) research and statistical analysis (including behavioral analysis);
- (xxi) all other incidental and associated purposes relating to any of the foregoing purposes.
- (e) Data (except data already in the public domain) held by the Company relating to a Data Subject will be kept confidential but the Company may provide such information to the following parties for any of the purposes set out in paragraph (d) above, irrespective of whether the place of business of the recipient is within or outside Hong Kong, whether or not the data would be transferred outside Hong Kong and whether the data will following such disclosure be collected held processed or used by such recipient in whole or in part outside Hong Kong:
- (i) any agent, any contractor, third party service provider, adviser or consultant who provides administrative, telecommunications, computer, data processing and analysis, payment, debt collection, valuation, legal, financial, accounting, audit or other services to the Company or any member of the Group Company in connection with the operation of their respective business;
 - (ii) any of the Authorities;
 - (iii) any member of the Group Company and any other person who has expressly undertaken to keep such information confidential or otherwise is under a duty of confidentiality to the Company;
 - (iv) any financial or other institution with which the Data Subject has or proposes to have dealings;
 - (v) the drawee bank providing a copy of a paid cheque (which may contain information about the payee) to the drawer;
 - (vi) credit reference agencies, and, in the event of default, to debt collection agencies;
 - (vii) any person to whom the Company or any member of the Group Company is under an obligation or required or expected to make disclosure for the purposes set out in or in connection with paragraph (d)(xiii), (d)(xiv) or (d)(xvi);
 - (viii) any party giving or proposing to give a guarantee or third party security to guarantee or secure a Data Subject's obligations;
 - (ix) any party making any request mentioned in paragraph (d)(xvii) above;
 - (x) any actual or proposed assignee of the Company or participant or sub-participant or transferee of the Company's rights in respect of the Data Subject;
 - (xi) any member of the Group Company; and
 - (xii) legal and other professional advisers of any party mentioned in paragraphs (e)(i) to (e)(xi) above.
- (f) With respect to data in connection with mortgages applied by Data Subjects (whether as a borrower, mortgagor or guarantor and whether in the Data Subject's sole name or in joint names with others) on or after 1 April 2011, the following data relating to Data Subjects (including any updated data of any of the following data from time to time) may be provided by the Company, on its own behalf and/or as agent, to a credit reference agency:

- (i) full name;
 - (ii) capacity in respect of each mortgage (as borrower, mortgagor or guarantor, and whether in the Data Subject's sole name or in joint names with others);
 - (iii) Hong Kong Identity Card Number or travel document number or certificate of incorporation number;
 - (iv) date of birth or date of incorporation;
 - (v) correspondence address;
 - (vi) mortgage account number in respect of each mortgage;
 - (vii) type of the facility in respect of each mortgage;
 - (viii) mortgage account status in respect of each mortgage (e.g. active, closed, write-off (other than due to a bankruptcy order), write-off due to a bankruptcy order); and
 - (ix) if any mortgage account closed date in respect of each mortgage.
- (j) In the event any amount in an account is written-off due to a bankruptcy order being made against a customer, the account repayment data (as defined in paragraph (h)(v) above) may be retained by the credit reference agency, regardless of whether the account repayment data reveal any default of payment lasting in excess of 60 days, until the expiry of five years from the date of final settlement of the amount in default or the expiry of five years from the date of discharge from a bankruptcy as notified by the customer with evidence to the credit reference agency, whichever is earlier.
 - (k) The Company may charge a reasonable fee for the processing of any data access request (whether or not by virtue of exercise of its right under the Ordinance).

The credit reference agency will use the above data supplied by the Company for the purposes of compiling a count of the number of mortgages from time to time held by Data Subjects with credit providers in Hong Kong, as borrower, mortgagor or guarantor respectively and whether in the Data Subjects' sole name or in joint names with others, for sharing in the consumer credit database of the credit reference agency by credit providers (subject to the requirements of the Code of Practice on Consumer Credit Data approved and issued under the Personal Data (Privacy) Ordinance (the "Ordinance")).

(g) Use of data in direct marketing

The Company intends to use Data Subjects' data in direct marketing and the Company requires the Data Subjects' consent (which includes an indication of no objection) for that purpose. In this connection, please note that:

- (i) the name, contact details, products and services portfolio information, transaction pattern and behavior, financial background and demographic data of Data Subjects held by the Company from time to time may be used by the Company in direct marketing;
- (ii) the following classes of services and products may be marketed:
 - (1) consumer credit (including mortgage loans), insurance and related services and products;
 - (2) reward, loyalty or privileges programmes and related services and products;
- (iii) the above services and products may be provided by the Company and/or any member of the Group Company.

If any individual does not wish the Company to use his/her data for use in direct marketing as described above, he/she may exercise his/her opt-out right by notifying the Company.

(h) Under and in accordance with the Ordinance and the Code of Practice on Consumer Credit Data, any individual has the right:

- (i) to check whether the Company holds data about him/her and of access to such data;
- (ii) to require the Company to correct any data relating to him/her which is inaccurate;
- (iii) to ascertain the Company's policies and practices in relation to personal data and to be informed of the kind of personal data held by the Company;
- (iv) to be informed on request which items of data are routinely disclosed to credit reference agencies or in the event of default to debt collection agencies, and be provided with further information to enable the making a data access and/or correction request to the relevant credit reference agency or debt collection agency; and
- (v) in relation to any account data (including, for the avoidance of doubt, any account repayment data) which has been provided by the Company to a credit reference agency, to instruct the Company, upon termination of the account by full repayment, to make a request to the credit reference agency to delete such account data from its database, as long as the instruction is given within five years of termination and at no time was there any default of payment in relation to the account, lasting in excess of 60 days within five years immediately before account termination. Account repayment data include amount last due, amount of payment made during the last reporting period (being a period not exceeding 31 days immediately preceding the last contribution of account data by the Company to a credit reference agency), remaining available credit or outstanding balance and default data (being amount past due and number of days past due, date of settlement of amount past due, and date of final settlement of amount in default lasting in excess of 60 days (if any)).

- (i) In the event of any default of payment relating to an account, unless the amount in default is fully repaid or written off (other than due to a bankruptcy order) before the expiry of 60 days from the date such default occurred, the account repayment data (as defined in paragraph (h)(v) above) may be retained by the credit reference agency until the expiry of five years from the date of final settlement of the amount in default.

- (l) The person to whom requests for access to data or correction of data or for information regarding policies and practices and kinds of personal data held are to be addressed is as follows:

The Data Protection Officer
 Winton Financial Limited
 Room 1101-1110, 11/F., Phase 1, Argyle Centre,
 688 Nathan Road, Mongkok,
 Tel.: (852) 2391 9388
 Fax: (852) 2391 5366

- (m) The Company may have obtained a credit report on the Data Subject from a credit reference agency in considering any application for credit. In the event that the Data Subject informs the Company that it wishes to access the credit report, the Company will advise the contact details of the relevant credit reference agency.

- (n) Nothing in this Notice shall limit the rights of Data Subjects under the Ordinance.

- (o) Data Subject may, at any time, choose not to receive the Company's promotional material. Data Subject should notify the Company of such choice.

In this Notice, unless the context does not permit or otherwise requires,

"Group Company" means any company which is a member of the group of companies to which the Company belongs;

"Consumer Credit" has the meaning ascribed thereto under the Code of Practice on Consumer Credit Data (i.e. any loan, overdraft facility or other kind of credit provided by the Company to and for the use of an individual, or to and for the use of another person for whom an individual acts as guarantor);

"Data Subjects" means customers of the Company and other parties whose data have been supplied to (whether by themselves or otherwise) or otherwise held or obtained by the Company, including but without limitation to applicants for financial services and facilities, sureties, suppliers, contractors and service providers of the Company (whether the prospective or the actual ones), officers, representatives, managers, partners of any company, partnership, association or organization having financial or other relationship with the Company;

the "Company" means Winton Financial Limited (including all its branches and offices, whether within or outside Hong Kong) and its successors and assigns.

Notes

- 1 By using or continuing to use any of the Company's services and products (including but without limitation to opening and maintaining any account with the Company), providing information about the Data Subject himself/herself/itself, acting as surety for the liability of any other party to the Company, providing service to, entering into commercial or other contractual arrangements with the Company, a Data Subject is deemed to have accepted and agreed to the arrangements set out and to be bound by the provisions herein unless there is evidence to prove that the Data Subject has not received this Notice beforehand and has not become bound by any terms and conditions which make reference to this Notice or incorporate this Notice by reference.
- 2 This Notice may from time to time be revised and updated by the Company and prior notice of the amendments will be given.
- 3 Whether or not a copy of the latest version of this Notice has been provided by the Company to a Data Subject or a prospective Data Subject, the Data Subject and the prospective Data Subject are welcome to obtain the latest version thereof from any branch of the Company in Hong Kong or by calling the Company at telephone number 2391 9388.
- 4 In the event of any conflict or inconsistency between the Chinese and English versions of this Notice, the English version shall prevail.

Winton Financial Limited

如需索取中文版,請與運通泰財務有限公司職員聯絡

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Date:

To: Winton Financial Limited (The Data Protection Officer)
Room 1101-1110, 11/F., Phase 1, Argyle Centre,
688 Nathan Road, Mongkok,
Kowloon, Hong Kong.

I hereby give my consent to the Company to use my personal data (described in paragraph (g) above) in direct marketing via the following channel(s) (please use "x" to select the channel(s)):

Phone Mail E-message Email

Name: _____

Account Number: _____

HKID / Passport Number: _____

Customer Signature: _____

The above represents my present choice on whether or not to receive direct marketing contact or information. This replaces any previous choice communicated by me to the Company.

My above choice applies to the direct marketing of the classes of products and services as set out in this Notice. I have read this Notice and understand on the kinds of personal data which may be used in direct marketing.

Note:

You may change your present choice for the use of personal data in direct marketing at any time, without charges by notifying the Company either orally or in writing.