

## 個人資料保護之告知

### PERSONAL DATA PROTECTION NOTIFICATION

#### **I. 告知 Notification**

依照個人資料保護法，關於您已提供或將提供本銀行或本銀行另行取得之個人資料（下稱「個人資料」），謹就本銀行之蒐集、處理、利用、傳輸（包括國際傳輸）及揭露為以下告知：

Pursuant to the Personal Data Protection Law, we hereby notify you as follows with respect to our collection, processing, use, transmission (including international transmission) and disclosure of the personal data provided or to be provided by you to us or otherwise acquired by us ("Personal Data"):

1. 機關. 對個人資料為蒐集、處理、利用、傳輸及揭露之機關為：
  - (1) 美商美國紐約梅隆銀行股份有限公司台北分公司及美商美國紐約梅隆銀行股份有限公司國際金融業務分行（合稱「BNYM 台灣分行」）；及
  - (2) 美商美國紐約梅隆銀行股份有限公司，包括中華民國境外之所有分行、總行及關係企業（合稱「BNYM 境外公司」）（BNYM 台灣分行及 BNYM 境外公司合稱「本銀行」）
1. Entities. The entities collecting, processing, using, transmitting and disclosing the Personal Data:
  - (1) The Bank of New York Mellon, Taipei Branch and The Bank of New York Mellon Offshore Banking Branch (collectively, the "BNYM Taiwan Branches"); and
  - (2) The Bank of New York Mellon, including all its branches, head office, subsidiaries and affiliates outside the Republic of China ("R.O.C.") (collectively, "BNYM Offshore"), (BNYM Taiwan Branches and BNYM Offshore together, the "Bank").
2. 目的. 本銀行得為了下列目的蒐集、處理、利用、傳輸及揭露個人資料：
  - (1) 提供商品及服務（包括但不限於：授信、匯款、存款、外匯、諮詢或顧問服務、保管服務、交易服務或其他本銀行依法得提供之商品及服務）；
  - (2) 協助進行交易（包括徵信及交易前之查核與調查）；
  - (3) 遵守中華民國法令或本銀行應遵循之其他管轄區域之法令；
  - (4) 金融監督、監理、管理與檢查；
  - (5) 金融爭議處理（包括答辯、準備、參與及回應潛在之法律上請求、調查及政府機關之詢問）；
  - (6) 本銀行履行法律義務、契約、類似契約或其他法律關係；
  - (7) 經營中華民國主管機關核准之業務（包括但不限於：外匯業務、存款與匯款業務、票據交換業務、核貸及授信業務、票券業務、債權整貼現及收買業務或其他本銀行經許可得經營之業務）、或本銀行營

- 業所在之任何管轄區域之相關法令允許之業務；
- (8) 本銀行之業務、財務、稅務或其他風險管理（包括但不限於：借款戶與存款戶存借作業綜合管理、記錄交易、帳務管理及債權交易、風險控制、資料分析、資料研究及調查、稽核、資(通)訊與資料庫管理、資通安全與管理、詐欺調查及遵守洗錢防制及認識你的客戶)；
  - (9) 回覆客戶要求或相關主管機關或司法機關（包括中華民國境外之政府機關）之要求；
  - (10) 客戶管理與服務；
  - (11) 金融同業徵信與財務資訊之交換；
  - (12) 行銷；或
  - (13) 在中華民國法令或本銀行營業所在之任何管轄區域之相關法令允許範圍內委託他人處理業務。

2. Purposes. Personal Data may be collected, processed, used, transmitted and disclosed for the following purposes:

- (1) provide products and services (including but not limited to credit facilities, remittances, deposits, foreign exchange, advisory or consulting services, custody services, trade services or other products and services which the Bank is legally permitted to provide);
- (2) facilitate transactions (including credit reference and pre-transaction due diligence checking and investigation);
- (3) comply with the laws and regulations of the R.O.C. or the laws or regulations of any other jurisdictions to which the Bank is subject;
- (4) financial monitoring, supervision, management and investigation;
- (5) dealing with financial disputes (including defending, preparing for, participating in and responding to potential legal claims, investigations and regulatory inquiries);
- (6) perform the Bank's legal obligations, contracts and quasi-contracts or other legal relationships;
- (7) conduct business as approved by the applicable R.O.C. regulatory authority (including but not limited to foreign exchange business, deposit and remittance business, check clearing business, loan and credit facilities business, bills finance business, debt discounting and purchase business or any other business permitted to be conducted by the Bank) or as otherwise permitted by any applicable law or regulation in any jurisdiction in which the Bank conducts business;
- (8) for management of business, finance, tax and other risks of the Bank (including combined borrower/depositor account management, recording transactions, account management and debt transaction, risk control, data analysis, data research and surveys, audits, information(telecommunication) and database administration, security and management of information(telecommunication), fraud investigation and anti-money laundering and know your customer compliance);

- (9) respond to customer requests or requests from the applicable regulatory or judicial authority (including authorities outside the R.O.C.);
- (10) client management and service;
- (11) credit references or exchange of financial information with other financial institutions;
- (12) marketing; or
- (13) outsourcing to third parties as permitted under the R.O.C. law or any other applicable law or regulation in any jurisdiction in which the Bank conducts business.

3. 類別. 本銀行得蒐集、處理、利用、傳輸及揭露之個人資料類別如下：

- (1) 個人資料：姓名；聯絡方式；出生日期及地點；性別；公民身分；地址；身分證/護照/居留證資料；稅務及其他識別號碼；銀行帳戶及其他財務資訊；家庭/婚姻狀況；受撫養人資料；法務部公佈之特定目的及個人資料之類別列表中 C001-C003、C011-C012、C021-C023 之資訊（下稱「列表」）；
- (2) 社會活動相關資料：地址；財產；資產；護照號碼；居留狀態；職業；執照；教育背景；營業或聘僱資訊；薪資；列表中 C031-C034、C038-C039、C051-C053、C061、C064、C068 之資訊；
- (3) 財務相關資料：收入；投資；債務；貸款；信用卡號碼；銀行帳戶；交易及投資經驗；付款紀錄；信用紀錄；業務活動；列表中 C081-C088、C093、C101-C103 之資訊；及
- (4) 其他未分類之資料（列表 C132）。

3. Types. The types of Personal Data which may be collected, processed, used, transmitted and disclosed are as follows:

- (1) Personal information: name; contact information; date and place of birth; gender; citizenship; address; ID/passport/Alien Resident Certificate information; tax and other identification numbers; bank account details and other financial information; family/marital status; details of dependants and other information in C001-C003, C011-C012, C021-C023 as provided in the Standard Purpose and the Types of Personal Data published by the Ministry of Justice ("List");
- (2) Information relating to your social activities: address; property, assets, passport number; residency status; occupation; license, educational background; details of business or employment activities; salary; and other information in C031-C034, C038-C039, C051-C053, C061, C064 and C068 of the List;
- (3) Information relating to financial activities: income, investment, debt, loans, credit card number, bank account, transactions and investment experience, payment history, credit history, business activities and other information in C081-C088, C093 and C101-C103 of the List; and
- (4) Other information which cannot be categorized (C132 of the List).

4. 期間、地區、對象及方式.

- (1) 期間：本銀行得利用個人資料直至：(i)上述目的不再適用或相關；(ii)本銀行毋須依相關法令或內部規則要求保存個人資料；(iii)個人資料不再是本銀行執行業務所必須；(iv)個別契約中關於保存個人資料之規定不再適用（以孰後屆至者為準）。
- (2) 對象：得向下列對象揭露個人資料，並由下列對象使用個人資料：
  - (a) 顧問或其他向BNYM台灣分行及/或BNYM境外公司提供服務之人(包括提供委外服務之受委託機構)；
  - (b) 美國紐約梅隆銀行之總行、分行及關係企業(BNYM台灣分行蒐集個人資料時)；
  - (c) 中華民國、美國、或任何其他本銀行營業所在或維護資料處理設備所在之管轄區域之主管機關、司法機關或其他政府機關；
  - (d) 您與本銀行進行金融交易之任何相關參與機構、避險交易提供者、信用保險提供者、或其他風險保障提供者，或與該交易相關之本銀行權利及義務之任何受讓人(包括可能的參與機構、受讓人、避險交易提供者或風險保障提供者)；
  - (e) 任何可能取得本銀行資產及債務之全部或一部之人、任何可能參與本銀行合併或類似情況之人；
  - (f) 與本銀行業務有關之其他銀行及機構(包括通匯行、證券及期貨交易所及市場、台灣集中保管結算所、財團法人金融聯合徵信中心、財金資訊股份有限公司、台灣票據交換所、信用評等機構等)；
  - (g) 本銀行為您或代您所委任或指派之代理人及經紀商，及為履行其個別義務所必要之任何交易所、市場、結算機構或保管機構；
  - (h) 任何代理人、承攬人或向本銀行提供行政、電信、電腦、付款或證券保管或其他與其業務營運相關服務之服務提供者；
  - (i) 依法令規定或任何法院或法庭命令而必須向其揭露之任何人；
  - (j) 與本銀行共同行銷、交換個人資料或合作推廣業務之機構；及
  - (k) 本銀行為了有效經營業務及進行交易而認為必要之人。
 (以上合稱「對象」)

每一對象得在本銀行提供個人資料予該對象之活動目的範圍內，蒐集、處理、利用、傳輸及揭露個人資料。

- (3) 地區：使用個人資料之地區為中華民國、美國、及本銀行或任何對象營業或維護資料處理設備所在之任何國家或地區。
- (4) 方式：得以任何自動化或非自動化之方式蒐集、處理、利用、傳輸及揭露個人資料(包括使用電子檔案及/或紙本)。

#### 4. Period, Areas, Recipients and Methods.

- (1) Period: The Personal Data may be used until the last to occur of (i) the relevant purpose described above ceasing to be applicable/relevant, (ii) the Bank ceasing to be required by applicable laws, regulations or internal rules to retain such Personal Data, (iii) the Personal Data ceasing to be required by the Bank to conduct business, and (iv) any contractual requirement to retain such Personal Data ceasing to exist.
- (2) Recipients: The Personal Data may be disclosed to and used by:
  - (a) Advisors or others rendering services to BNYM Taiwan Branches and/or BNYM Offshore (including outsourcing service providers);

- (b) In the case of data collected by BNYM Taiwan Branches, the head office, subsidiaries, branches and affiliates of The Bank of New York Mellon;
  - (c) Regulatory, judicial or other authorities of the R.O.C., the United States or of any other jurisdiction in which the Bank does business or maintains data processing facilities;
  - (d) Any participant, hedge provider, provider of credit insurance or other risk protection provider with respect to any financial transaction entered into between you and the Bank, or any assignee of the Bank's rights and obligations in connection with any such transactions (including potential participants, assignees, hedge providers or risk protection providers);
  - (e) Any potential acquirer of some or all of the assets and liabilities of the Bank, any potential merger candidate of the Bank or the like;
  - (f) Other banks and institutions in relation to the business of the Bank (including correspondent banks, securities and futures exchanges and markets, the Taiwan Depository and Clearing Corporation, the Joint Credit Information Center, the Financial Information Service Co., Ltd., the Taiwan Clearing House, and credit rating agencies);
  - (g) Agents and brokers which the Bank may appoint or instruct for you or on behalf of you and to any exchanges, markets, clearing houses or depositaries as needed to carry out their respective duties;
  - (h) Any agent, contractor or third party service provider who provides administrative, telecommunications, computer, payment or securities clearing or other services to the Bank in connection with the operation of its business;
  - (i) Any other person where disclosure is required by applicable law or regulation or pursuant to any order of any court or any tribunal;
  - (j) Any institution with which the Bank co-markets, exchanges Personal Data or otherwise cooperates to promote business; and
  - (k) Such other person(s) or entities as the Bank may consider necessary for efficiently carrying out its business and its transactions with you.
- (Collectively, the "Recipients").

The Personal Data may be collected, processed, used, transmitted and disclosed by each Recipient within the scope of the activity for which the Bank has provided the Personal Data to the relevant Recipient.

- (3) Areas: The Personal Data may be used in Taiwan, the United States and any country/region in which any of the Bank or Recipient does business or maintains data processing facilities.

(4) Methods: Personal Data may be collected, processed, used, transmitted and disclosed by any automatic or non-automatic manners (including using electronic files and /or hard copies).

5. 權利. 在個人資料保護法第三條規定範圍內，您或受保護之人（視情況而定）得以書面：
- (1) 查詢或請求閱覽個人資料（本銀行得酌收合理費用）；
  - (2) 請求製給複製本（本銀行得酌收合理費用）；
  - (3) 請求補充或更正個人資料（應有適當之釋明）；
  - (4) 請求停止蒐集、處理或利用個人資料（惟須非本銀行因執行業務所必須者）；或
  - (5) 請求刪除個人資料（惟須非本銀行因執行業務所必須者或本銀行依法有權留存者）。

就上述第 5(1)點及第 5(2)點，本銀行應於 15 日內以書面回應，但必要時得再延長 15 日。就上述第 5(3)點至第 5(5)點，本銀行應於 30 日內以書面回應，但必要時得再延長 30 日。

5. Rights. To the extent provided in Article 3 of the Personal Data Protection Law, you or the protected person (as applicable) may by request in writing:
- (1) inquire or review the Personal Data (the Bank may collect reasonable fees);
  - (2) make copy(s) of the Personal Data (the Bank may collect reasonable fees);
  - (3) add or amend the Personal Data (with proper explanation);
  - (4) terminate the Bank's collection, processing and use of the Personal Data (to the extent that such Personal Data is not necessary for the Bank to conduct business); or
  - (5) require the Bank to delete the Personal Data (to the extent that such Personal Data is not necessary for the Bank to conduct business or the Bank is otherwise legally entitled to retain same).

With respect to items 5.(1) and 5.(2) above, the Bank shall respond in writing within 15 days, which may be extended for another 15 days, if necessary. With respect to items 5.(3) through 5.(5) above, the Bank shall respond in writing within 30 days, which may be extended for another 30 days, if necessary.

6. 您得自由選擇是否提供個人資料，惟，若您拒絕提供個人資料者，本銀行將無法執行必要之業務審核或處理作業，致無法提供您相關服務或與您進行交易。
6. You may freely decide whether or not to provide the Personal Data; however, if you decline to provide Personal Data, the Bank will not be able to engage in necessary business examinations or processing and will not be able to provide relevant services to you or to enter into transactions with you.
7. 第三人資料. 請您注意，關於您提供本銀行或將提供本銀行之任何第三人（包括您的客戶、交易對手、員工、職員、親屬等）之任何個人資料（下稱

「第三人資料」)，本銀行預期您已／將確保該等第三人皆(i)已同意您提供該第三人資料予本銀行，以及本銀行及任何對象就該第三人資料之蒐集、處理、利用、傳輸及揭露；且(ii)完全了解前述第1點至第5點之內容適用於該等第三人資料。

7. Third Party Data. We draw your attention to the fact that, with respect to any personal data regarding any third parties (including your customers, business counterparties, employees, officers and family members) ("Third Party Data") provided or to be provided to the Bank by you, you are expected to ensure that each of the relevant third parties (i) has consented to your provision of such Third Party Data to the Bank and to the collection, processing, use, transmission and disclosure of such Third Party Data by the Bank and any Recipient; and (ii) fully understands that the disclosure set out in items 1 through 5 above apply to such Third Party Data.
8. 如您先前已與本銀行就個人資料或第三人資料有任何條款條件之約定，而與本告知及同意書之內容有所歧異時，應以本告知及同意書為準。
8. In the event of any inconsistency between this Notification and any other terms and conditions agreed between you and the Bank with respect to Personal Data or Third Party Data, if any, this Notification shall prevail.

### **III. 向財團法人金融聯合徵信中心取得資料 Obtain Information from Joint Credit Information Center**

本銀行為瞭解您的信用，或為分析授信風險，或為其他合於本銀行營業登記項目所定業務之需要等特定目的內，得向財團法人金融聯合徵信中心查詢您的徵信調查資料、帳戶資料、財務資料（包括授信、保證、逾期還款、催收及呆帳紀錄）、擔保品資料、詐欺通報紀錄資料及其他有關授信交易之資料（下稱「聯徵中心資料」），並依第 I 點為該資料之處理、利用、傳輸及揭露。

若本銀行因查詢前項資料而自財團法人金融聯合徵信中心取得第三人（例如董監事等）之個人資料，本銀行可能要求您依本銀行要求之方式，告知該第三人第 I 點所載之告知內容。

For the purposes of the evaluation of your credit-worthiness, the analysis of credit risk of any credit facility or otherwise for the purpose of conducting the permitted business by the Bank, the Bank may collect your credit investigation information, account information, financial information (including records with respect to credit facility, guarantee, default in repayment, demand for repayment and bad debt), collateral information, fraud record/information and all other information pertaining to credit facilities ("JCIC Data") from Joint Credit Information Center. The Bank may process, use, transmit and disclose JCIC Data pursuant to Item I.

If the Bank obtains any Personal Data of a third party (e.g. directors, supervisors, etc) from the Joint Credit Information Center due to the Bank's collection of the information as provided in the preceding paragraph, the Bank may request you to notify such third party of the content as provided in Item I in a manner as requested by the Bank.