

# Bank of America Corporation Privacy Notice for Non-U.S. Consumers 2014

## Our privacy commitment to you:

- **Protect customer information**
- **Inform on the use of customer information**
- **Offer choices on the use of customer information and honour your choices**
- **Collect, use and process customer information respectfully and lawfully**

This document includes information about how Bank of America Corporation manages customer information and what actions you can take:

1. Our security commitment
2. What customer information we collect
3. Purposes for which we use customer information
4. Sharing customer information
5. Transfers of customer information to other countries
6. Data integrity and retention
7. Honouring your choices
8. Keeping up to date with our Privacy Notice
9. Other privacy commitments
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This Bank of America Corporation Privacy Notice for Non-U.S. Consumers ("Privacy Notice") covers identifiable customer information relating to a consumer who has a current or former customer relationship with a non-U.S. company of Bank of America Corporation. This Privacy Notice applies to current or former consumer customers or consumers seeking relationships with non-U.S. companies of Bank of America Corporation and any successor of Bank of America Corporation that utilise the names: Bank of America, Banc of America, Merrill Lynch or Merrill Lynch companies using the "ML" abbreviation in their corporate name. For a complete list of Bank of America Corporation companies, please visit our website at [ml.com](http://ml.com). The term "you" refers to the consumer with whom we have a current or former relationship, and "Bank of America Corporation" or "we" or "us" refers to a non-U.S. company of Bank of America Corporation with whom you have entered or are seeking to enter into a customer relationship (such as the local entity indicated in the account documents), and as applicable other companies within Bank of America Corporation. This Privacy Notice is effective January 1, 2014.

We may provide other material regarding the collection, use, disclosure and processing of customer information, described in account documents or on websites or as required under local laws. Note: If there is any conflict between this Privacy Notice and the account documents the terms of the specific account documents will prevail.

## 1. Our security commitment

Keeping customer information secure is one of our most important responsibilities. We maintain physical, technical, electronic and procedural/organisational safeguards and security measures to protect customer information against accidental, unlawful, or unauthorised destruction, loss, alteration, disclosure, or access, whether it is

processed by us in your local jurisdiction, the United States, or elsewhere. Appropriate employees are authorised to access customer information for legitimate and specified business purposes. Our employees are bound by a code of ethics and other internal policies that require confidential treatment of customer information and are subject to disciplinary action if they fail to follow such requirements.

## 2. What customer information we collect

We collect, use and process various types of customer information about you and your accounts to the extent appropriate for your relationship with us. The customer information that we collect about you may include, but is not limited to, the following:

- personally identifiable information — information that identifies you or can be used to identify you, such as name, address, email address, telephone number and personal identifiers, such as National Identifier or number
- application information — information you provide to us on applications including assets, income and debt
- account information — information such as your credit card, ATM or cheque card number, investment account, bank account, loan or other numbers, user ID and password, security questions and codes including mother's maiden name
- transaction and experience information — information about transactions and account activity such as account balances, payment history, and account usage, as well as information about our communications with you, including your enquiries and our responses
- consumer report information — information from a consumer report, including credit score and credit history

- information from outside sources — information from outside sources other than consumer report information, such as information regarding employment (employer, occupation, place of work), credit and other relationships, including employment history, loan balances, credit card balances, property insurance coverage, data from public records, and other verifications by authorised persons or any information you elect to provide

As required by applicable anti-corruption, anti-bribery, anti-terrorism, anti-money laundering, and other laws, we also collect information to verify your identification.

If you provide us with information about third parties (including relatives, beneficiaries and guardians), you agree to inform such third parties and obtain their consent to the processing in accordance with this Privacy Notice and any other applicable laws and regulations.

### **3. Purposes for which we use customer information**

Bank of America Corporation companies including our bank, broker-dealer, credit card and mortgage affiliates and branches around the world may collect, use and process customer information for several purposes, for example:

- to provide you with products and services
- to facilitate transactions
- to provide you with advice and guidance
- to allow you to apply for products (prequalify for a mortgage, apply for a credit card or other financial products) and evaluate your eligibility for such a product
- to service, maintain or collect on accounts
- to respond to customer requests
- to detect, prevent and investigate fraud
- to provide security for our customers, employees and the general public
- to verify your identity (or the identity of your representative or agent)
- to record transactions such as mortgages in public records
- to perform risk management, including credit risk analysis
- to perform insurance functions
- to comply with laws and regulations including anti-money laundering and anti-terrorism rules and regulations

- to comply with legal process, respond to requests from public or government authorities (including authorities outside your country of residency), and allow us to pursue remedies and limit damages
- to perform internal business processes such as data analysis, audits, and developing and improving new products and services

Customer information does not include aggregated and de-identified data that we may create or compile from various sources, including accounts and transactions. This information, which does not identify individual customers, is used for business purposes, such as offering products or services, conducting research, marketing or analysing market trends, and other purposes consistent with applicable laws.

### **4. Sharing customer information**

#### **With our affiliates**

Bank of America Corporation companies around the world share customer information with each other for all of the purposes described in this Privacy Notice. All Bank of America affiliates are committed to protecting customer information and to using it only for legitimate purposes.

#### **With service providers**

Bank of America Corporation companies around the world may share any of the categories of customer information with service providers that work for us in any of the countries in which we operate. We supervise our service providers and require them to appropriately protect our customer information. These service providers may include:

- customer service, payment or transaction processing companies
- debt collection agencies
- cheque and statement printing companies
- order fulfillment, market research, surveying, or professional services organisations (such as legal, audit, accounting services, technology, and data processing companies)
- technology hosting (such as webhosting, cloud computing, infrastructure provision, application service providers, data centre services and technology service providers)

## **With other third parties**

Bank of America Corporation companies around the world may also share customer information with other third parties. These third parties may include public, regulatory and government authorities, credit reporting agencies, intermediaries (such as SWIFT, a global provider of secure financial messaging services), other nonaffiliated third parties as requested by you or your authorised representative, self-regulatory organisations, or judicial or law enforcement authorities. For example:

- to detect, prevent and investigate fraud
- to provide security for our customers, employees and the general public
- to record transactions such as mortgages in public records
- to allow credit checks
- to manage risk management, including credit risk analysis
- to provide credit references (when requested by you)
- to trace debtors
- as part of the sale, merger or similar change of a Bank of America Corporation business
- to comply with applicable laws, rules and regulations, including anti-terrorism, anti-money laundering and tax reporting rules and regulations
- to comply with legal process, response to requests from public, regulatory or government authorities (including authorities outside your country of residency), and to allow us to pursue remedies and limit damages

Additionally, where you have a contractual relationship with a third party in connection with a product or service (such as through an outside investment manager or insurance provider), we may share information in accordance with that relationship, and the handling of information by that party will be subject to your agreement(s) with that party. If you have a relationship with us through your employer, such as through your stock option or retirement plan, then we will share plan information with your employer and handle such information in accordance with plan agreements.

## **5. Transfers of customer information to other countries**

Your information may be transferred around the world to countries in which Bank of America Corporation companies do business, including to affiliates, service providers or third parties, which may be located in

jurisdictions that may not have the same data protection laws as those in your home country.

In such circumstances we are responsible for ensuring that your information continues to be protected.

## **6. Data integrity and retention**

We process customer information in a manner that is adequate, relevant and not excessive in relation to the purposes for which it is collected or further processed. We endeavour to keep customer information for only so long as is necessary for the purposes for which it was collected, to meet legal and regulatory requirements, and in keeping with the period required or permitted by law.

You can also make sure that your information is accurate by:

- reviewing your account information (for example, on a statement or in response to specific requests)
- telling us if it is incorrect by calling or writing to us at the telephone number or appropriate address for such changes on your statement or other account materials

## **7. Honouring your choices**

You have the right to request a copy of your customer information and request that such customer information be rectified or deleted if inaccurate or incomplete, except in limited circumstances. In certain circumstances, you also have the right to oppose (for legitimate purposes) the collection or processing of your customer information.

Additional information regarding your choices about how your customer information is processed and used may be found in your account documentation. If you have any questions regarding your choices not addressed in your account documentation or in this Privacy Notice, please contact us at +1 877 222 7954 or the appropriate local number or address from your statement or account materials.

## **8. Keeping up to date with our Privacy Notice**

We may make changes to this Privacy Notice at any time and will inform you as required by applicable law. To receive the most up-to-date Privacy Notice, you can visit our website at: [ml.com](http://ml.com).

## **9. Other privacy commitments**

When you communicate with Bank of America Corporation companies, your telephone conversations and emails may be monitored or recorded to the extent permitted by applicable law.

For information on our online privacy practices, including the use of "cookies," please see the online notices located on our websites.

We will share and use customer information in accordance with this Privacy Notice or in other account opening documentation, as permitted by local law, or as otherwise agreed upon between us. Please note, if you choose to withhold or limit our ability to share customer information, we may not be able to provide you with certain information, offers or services.

## **10. Country-specific information**

### **Cayman Islands**

Bank of America Corporation may owe you a duty of confidentiality under statute and common law in relation to your customer information. Those duties are qualified by your understanding and acceptance of the terms set out within this Privacy Notice.

Where you have established a relationship with Bank of America Corporation for or on behalf of other parties, it is acknowledged that we will:

(i) regard and manage the customer information as if it had been imparted by, or relates solely to you as principal; (ii) regard you as having the due authority, on behalf of the parties, to agree to the terms as set out within this Privacy Notice; and (iii) rely on the assumption that you have sought the consent of such parties, where necessary and to the extent the information may relate to or have been imparted by them, to disclosure of the customer information on the same or equivalent terms as set out within this Privacy Notice.