

# Philippines Privacy Notice

LAST UPDATED: May 30, 2024

## Introduction

This Philippines Privacy Notice (“Notice”) provides an overview of how Bank of America Company legal entities that utilize the names of Bank of America, Private Bank, and Merrill, as well as their related affiliates (“we” or “our” or “us”) comply with the requirements Republic Act No. 10173 (also known as the “Data Privacy Act of 2012” or simply, “DPA”), its implementing Rules and Regulations (“IRR”), and issuances by the National Privacy Commission (“NPC”). This Notice explains how we collect, use, or disclose personal data including information about our current and former customers (and clients) in the Philippines as defined in the Processing Activities section below (“Services”). We refer to the individuals whose personal data (as defined below) we process in connection with the Services, as “you” in this Notice.

Keeping personal information secure is one of our most important priorities. Consistent with our obligations under applicable laws and regulations, we maintain physical, technical, electronic, procedural, and organizational safeguards and security measures that are designed to protect personal data against accidental, unlawful, or unauthorized destruction, loss, alteration, disclosure, or access, whether it is processed by us or elsewhere.

## Personal Data We Collect

“Personal Data” is information that identifies an individual or relates to an identifiable individual. The table below contains a list of the Personal Data we may collect. In the table Processing Activities, we have associated the categories of Personal Data we collect with the categories of our processing activities/processing.

Categories of Personal Data	Description	Personal Data
Activity (Account/ Transaction)	Transactional activity from an individual’s personal or business accounts (e.g., credit card, checking account, brokerage account etc.) used to service and maintain your account	Account activity, transaction details, Internal Identifier
Business Contact Data	An employee or customer’s corporate contact information	Name, Employer name, business address, business phone number, business email address
Compensation Information	Information pertaining to employment status and income sources	Employer name, business address, business phone number, business email address, salary, or other source of income
Event Data	Confirmation of an individual’s attendance at in-person or virtual events	Events registration, check-in, dietary requests (note: religion may be inferred from a person’s dietary requirements), travel, surveys, and other similar identifiers
Images/Videos/ Audio — People	Video of clients (ATMs, Financial Centers), Audio of clients (Contact Center, Financial Center Outbound calls)	Photographs and/or video recordings and/ or audio of individuals and/or group images used for non-authentication purposes
Legal Transactions	Information from judiciary bodies regarding legal matters pertaining to an individual	Subpoenas or other regulatory or legal request for information
Online Authentication Information	Information required to access an individual’s personal account, online or through mobile applications	User Identification (ID), PIN/Password, Internet Protocol (IP) address, challenge questions, device ID, mobile phone number, biometric-information

Categories of Personal Data	Description	Personal Data
Online Behavior (purchasing, browsing and consuming history)	An individual's purchasing, browsing and consuming history and inferences drawn to determine the individual's tendencies online	Purchasing, browsing, search, internet interactions (site, application and/or advertisement) history behavior
Online Identifier	A means of identifying an individual by associating informational traces an individual leaves when operating online	Cookies, pixel tags, web beacons, locally stored objects, unique device identifiers (for example Media Access Control (MAC) and Internet Protocol (IP) addresses, smart device information, mobile phone network information
Payroll Data	Payroll information including direct deposit bank details, payroll deductions, and tax details	Direct deposit bank details, payroll deductions, tax details
Personal Assets/ Liabilities	Information regarding household expenses, income, asset ownership and/or debt information	Household expenses, source/frequency of funds, source/frequency of income, investments, other expenses, financial plan
Personal Data — Minors	Information pertaining to the contact information for a minor in relation to an event hosted by us, beneficiary of an account or an authorized user	Name, relationship (to attendee and the extent that consent is given or authorized by the holder of parental responsibility over the minor), dietary restrictions (if applicable)
Sensitive Personal Data	Information about an individual's religious, ideological, political or trade union related views or activities, health, the intimate sphere or racial or ethnic origin, social security measures and administrative or criminal proceedings and sanctions	Social Security Number (SSN) or Information containing an individual's country-specific National Identifier, passport or visa number or other similar identifiers, date of birth, driver's license
Signature	Any symbol, character, sound, or mark made by an individual with the intent to authenticate or authorize a transaction, agreement, or written or electronic document	Electronic Signature, digital signature (i.e., DocuSign), web signature, copy of written signature, ink/wet signature

## Sensitive Information

We treat the collection of Sensitive Personal Data as defined in the DAP as protected. We may receive Sensitive Personal Data from you or from third party service providers and others in support of due diligence activities we undertake to satisfy various legal and regulatory requirements to which we are subject, such as negative news runs and enhanced due diligence reports performed related to anti-money laundering or know-your-customer requirements ("AML/KYC").

If you are sharing information for an individual who is based in Philippines, please provide them with a copy of this Notice. When you provide us with Personal Information about members of their family, dependents, and friends (e.g., individuals provided by a customer as a guarantor), it is your responsibility to inform such individuals and obtain agreement that their data can be shared with us. Should the individual have any questions, please refer them to this Notice for contact information.

## Legal Basis and Processing Activities

We need to collect and process Personal Data to provide the requested services, or because we are legally required to do so. If we do not receive the information that we request, we may not be able to provide the requested services. The below table contains an indicative summary of our activities which require the processing of your Personal Data.

Purpose	Reasons for Processing	Categories of Personal Data
Account Management	To assist trade processing and account maintenance	Personal Data, Business Contact Data, Activity (Account/Transaction), Images/Sensitive Personal Data
Account Opening	<ul style="list-style-type: none"> <li>To obtain all enterprise and regulatory requirements for your onboarding, expansion of services and account maintenance</li> <li>To meet all regulatory requirements to obtain the necessary information to open accounts to enable your trading or other activities</li> </ul>	Personal Data, Personal Data — Minors, Business Contact Data, Compensation Information, Signature, Personal Assets/Liabilities, Signature, Sensitive Personal Data
Anti-Money Laundering/ Know-Your-Customer	To comply with applicable Anti-Money Laundering (AML)/ Know-Your-Customer (KYC) laws and regulations, including identifying beneficial owners, conducting background checks, monitoring, and performing other checks to meet anti-terrorism financing legal requirements. As required by applicable laws, this may involve processing your political affiliations, criminal convictions, or allegations of offenses	Personal Data, Business Contact Data, Signature, Sensitive Personal Data
Cashiering	To enable wiring of funds, check deposits and security deposits	Personal Data, Business Contact Data
Client Communications and Relationship Management	To directly communicate with you to help improve the products and services we provide, or in relation to a product, service, or complaint	Personal Data or other categories as relevant for the specific communication about a product or service
Comply with Federal Banking Regulations	To comply with applicable Anti-Money Laundering (AML)/ Know-Your-Customer (KYC) laws and regulations, including identifying beneficial owners, conducting background checks, monitoring, and performing other checks to meet anti-terrorism financing legal requirements. As required by applicable laws, this may involve processing your political affiliations, criminal convictions, or allegations of offenses	Personal Data, Business Contact Data, Sensitive Personal Data
Consumer and Wealth services	<ul style="list-style-type: none"> <li>To provide overall support to individuals in connection with existing or former accounts</li> <li>To provide Trust services including account transition and termination</li> </ul>	Personal Data, Personal Data — Minors, Business Contact Data, Online Authentication Information, Online Identifier, Legal Transactions; Sensitive Personal Data

Purpose	Reasons for Processing	Categories of Personal Data
Electronic Communications/ Digital Services	<ul style="list-style-type: none"> <li>To facilitate sending of internal digital messages</li> <li>To enable your experience and interactions through our mobile application or online banking</li> <li>To enable a customer to send their account information, with consent and by request, to a third-party application (e.g., Venmo, Mint)</li> </ul>	Account Activity/Transaction, Personal Data, Business Contact Data, Online Authentication Information, Online Behavior, Online Identifier, Sensitive Personal Data
Events Management	To support event management and execution	Personal Data, Business Contact Data, Event Data, Sensitive Personal Data
Legal, Regulatory and Compliance	<ul style="list-style-type: none"> <li>To fulfill our legal and compliance-related obligation</li> <li>To comply with applicable laws and regulations (including any legal or regulatory guidance, codes, or opinions), sanctions, and non-financial regulatory reporting requirements. See Disclosure of Personal Data section for additional information</li> </ul>	Personal Data as relevant for each specific regulatory and compliance obligation; Sensitive Personal Data
Risk Analysis	For managing our internal risk and analyzing our client portfolio	Account Activity/Transaction, Personal Assets/Liabilities, Event Data, Compensation Information, Online Behavior, Personal Data, Sensitive Personal Data
Specialized Services	<ul style="list-style-type: none"> <li>To facilitate referrals to specialists</li> <li>To support payroll activities or other services requested by the client</li> </ul>	Personal Data, Business Contact Data, Payroll Data, Sensitive Personal Data

### **Cookies and Similar Technologies**

We may collect personal information using cookies and similar technologies. See our [Cookie Policy](#) for additional details about cookies and tracking technologies including how you can manage cookies.

## Disclosure of Personal Data

Personal Data may be disclosed to affiliates and third parties in connection with the Services we are providing. The recipients of any such information will depend on the Services that are being provided. Disclosures may include the following categories of third parties listed in the table below:

Categories of third parties	Personal Data	Purpose of processing your Personal Data
Account Management Software Service Providers who help us with the management of financial accounts and processes with tools and controls that support our organizational, operational, and legislative requirements (includes maintenance and support services.)	Business Contact Data	To process invoices and statements to you on services we provided or transactions we conducted with you
Aggregators	Activity (Account/ Transaction), Personal Assets/ Liabilities, Personal Data, Business Contact Data	To provide services in our mobile and online banking experience such as My Financial Picture and allow you with your consent to send data to a third party (e.g., Venmo, Mint)
Banks with which we have made arrangements to enable us to provide the Services to you	Your information relating to you or your accounts with us or your relationship with us as is necessary to enable us to provide you with the services	To allow our partner banks to process payments to or from individuals related to your account with us in places where we do not have a presence, or we are unable to provide the relevant services
Beneficial Owner Registries required by EU and UK regulators aimed to increase transparency on people with significant control or ownership of companies and entities	Personal Data as required by law, rules, or regulations	If you are a beneficial owner, to share your Personal Data to the extent required by the relevant Beneficial Owner Registries in the jurisdiction applicable to you
Clients — Complaint matters	Personal Data, Activity (Account/ Transaction), Assets/Liabilities	Client complaint reporting
Communication and Collaboration Software and Software Services providers who enable individuals and teams to work together over geographic distances by providing tools that aid communication, collaboration and the process of problem solving (includes appliances, maintenance, and support services)	Personal Data, Personal Data — Minors, Business Contact Data	To service your accounts and share transaction documents with you

Categories of third parties	Personal Data	Purpose of processing your Personal Data
Corporate Business Application vendors who provide software and software services to support our Global Banking and Global Markets businesses, including technology for Sales and Trading functions within Global Equities, Fixed Income Currency and Commodities, Global Research and technology for Credit, Cash Management, FX, Equipment Finance and Merchant Services within Global Banking	Business Contact Data	To send you service or transactional emails or communications, as applicable and appropriate
Customers — Offshore fund companies	Personal Data, Activity (Account/Transaction)	Mutual fund rebates and reporting
Digital Process Automation Software Services Providers who automate and digitize our transaction documentation workflow	Signature, Business Contact Data	To enable you to review and sign contracts with us electronically
Digital Tracking Providers: Companies that provide digital tracking services (like cookies, tags, etc.) and whose scripts we use to add to our webpages.	Online Behavior, Online Identifier	To improve technical and design features of our websites and platforms
External law firms	Personal Data as relevant in each specific situation	To provide legal support in preparing transactional documents with you, in support of the services we provide to you, or in defending claims involving you
Hotels, Restaurants, Virtual event platforms, Transportation Companies, and Corporate Security	Business Contact Data, Personal Data, Personal Data — Minors, Event Data	To assist with our events management and execution
Partners — Fund Companies	Personal Data, Activity (Account/Transaction)	Mutual fund rebates and reporting
Public records	Publicly available data	To manage and evaluate risk

Categories of third parties	Personal Data	Purpose of processing your Personal Data
Regulators	Personal Data as relevant in each specific situation	To comply with regulatory requirements that obligate us to share your Personal Data
Tax Authorities	Business Contact Data, Personal Data	To share your Personal Data for us comply with FATCA, CRS and other tax-related reporting requirements
Tax Service Providers who assist us on tax rules and regulations, including legal analysis, technical calculations, form preparation, planning and controversy management associated with meeting our local and international tax obligations	Personal Data	To comply with the Foreign Account Tax Compliance Act (“FATCA”) & Client Relationship Summary (“CRS”) related tax reporting requirements that obligate us to share your Personal Data
Vendors and Credit Card Partners	Personal Data, Personal Data — Minors, Business Contact Data, Activity (Account/Transaction), Compensation Information	To support services offered to our customers and clients

**Third Party Services**

This Notice does not address, and we are not responsible for, the privacy information or other practices of any third parties, including any third party operating any website or service to which the Services link. The inclusion of a link does not imply endorsement of the linked site or service by us or by our affiliates.

**Data Retention**

We store your Personal Data for purpose it was collected for as long as necessary and in accordance with the with applicable laws, rules, regulations, and our internal policy requirements.

## ***Rights of individuals afforded to you under the Data Privacy Act of 2012***

You may have certain rights under the DPA regarding your access to, information about, or the processing of your personal data. These rights include, where permitted under applicable law and subject to certain exceptions:

- The right to be informed, which means we tell you what personal data we process, why we process your personal data, and with which third parties we share your personal data;
- The right to access, which is your right to see the personal data that we have about you;
- The right to rectification, which is your right to have your personal data corrected or amended if it is incorrect;
- The right to data portability, which is your right to ask for a copy of your personal data in a commonly used machine-readable format;
- The right to object to processing of your personal data, including processing for direct marketing, automated processing or profiling;
- The right to refuse as well as withdraw your consent of the collection or processing of personal data;
- The right to file a complaint, if you are the subject of a privacy violation or personal data breach, you may file a complaint with our Data Protection Officer (“DPO”) and/or with the NPC through [National Privacy Commission](#);
- The right to erasure or blocking, you have the right to request for the suspension, withdrawal, blocking, removal, or destruction of your personal data from our systems;
- The right to be indemnified for damages, which means for any damages sustained due violations of inaccurate, false, unlawfully obtained or unauthorizes use of your information;
- The right of transmissibility, which means your lawful heirs may invoke your rights at any time after your death or when you are incapable of exercising your rights.

To learn more about how you can exercise your rights, where permitted under applicable law, please see the section below.

### ***How individuals can access, change, or suppress their Personal Data***

If you would like to request to access, correct, update, suppress or restrict Personal Data, object to or opt out of the processing of Personal Data, withdraw your consent (which will not affect the lawfulness of processing prior to the withdrawal) or if you would like to request to receive an electronic copy of your Personal Data for purposes of transmitting it to another company (to the extent the right to data portability is provided to you by applicable law), you may contact us by emailing: [individualrightsrequests@bofa.com](mailto:individualrightsrequests@bofa.com). We will respond to your request consistent with applicable law.

In your request, please make clear what Personal Data you would like to have changed, whether you would like to have the Personal Data suppressed from our database or otherwise let us know what limitations you would like to put on our use of the Personal Data. For your protection, we may only implement requests with respect to the Personal Data associated with the email address that you use to send us your request, and we may need to verify your identity before implementing your request. We will try to comply with your request as soon as reasonably practicable.

Please note that we may need to retain certain information for recordkeeping purposes and/or to complete any transactions that you began prior to requesting a change or deletion. There may also be residual information that will remain within our databases and other records, which will not be removed.

## **Jurisdiction and Cross-Border Transfer**

Where we consider it necessary or appropriate, for the purposes of data storage, processing, providing any service or product on or behalf to you, we may transfer your Personal Data in any country where we have facilities or in which we engage service providers, including the United States and/or outside the Philippines, under conditions of confidentiality and similar levels of security safeguards or in certain circumstances, courts, law enforcement agencies, regulatory agencies or security authorities in those other countries may be entitled to access Personal Data. For transfers from the Philippines to countries not considered to provide an adequate level of data protection, we will put in place adequate measures, such as standard contractual clauses and binding contractual obligations to protect Personal Data commensurate with the standards required by the DPA.

## **Security Measures**

We may store your personal information in an electronic file or a physical file. Bank of America has implemented reasonable technological, organizational, and physical security measures designed to protect your personal information from unauthorized access, improper use, and accidental destruction or loss. Your personal information will be securely stored at Bank of America's premises, or if required, at an offsite or cloud-based storage facility. Authorized employees, mandataries and agents of Bank of America who have a legitimate purpose for accessing the information and require it in the course of their duties will have access to your personal information. Our employees and its affiliates, as a condition of their employment, are required to comply with confidentiality, customer privacy and security obligations. Our employees are also trained on the importance of privacy and maintaining the confidentiality of personal information. From time to time, Bank of America reviews and updates its security measures.

## **Updates to this Notice**

We may change or update this Notice from time to time. The "LAST UPDATED" legend at the top of this Notice indicates when this Notice was last revised. Any changes will become effective when we post the revised Notice.

Use of the Services following these changes (or your continued provision of Personal Data to us) signifies acceptance of the revised Notice.

## **Contacting Us**

The Bank of America entity who provides the Services in connection with which your Personal Data has been provided is the company responsible for collection, use and disclosure of your Personal Data under this Notice.

If you do not know which Bank of America entity is responsible for those Services or have any questions about this Notice, please contact our Data Protection Officer at [dpo@bofa.com](mailto:dpo@bofa.com), or write to the Data Protection Officer representative for Philippines:

Data Protection Officer  
Bank of America  
100 N Tryon Street  
Charlotte, NC USA  
28255-0001

To help us to manage your query, please include your full name and the name of the Bank of America entity you understand is processing your Personal Data and/or any reference number that was made available by a Bank of America entity to you.