



# Your Data / **Your Rights**



# Introduction

**Here at Standard Bank we take your privacy seriously.**

When you provide us with information from which you can be identified or which renders you identifiable (your “personal data”), or we have otherwise captured and use such information then you have certain statutory legal rights in relation to that information.

This booklet provides you with some basic information as a helpful guide to the rights you generally have in respect to your personal data, the extent of those rights, and what to do should you wish to exercise any of them.



## Your Rights

The following is a list of your rights – please note that most rights are not without their limitations and or pre-conditions that may apply to their exercise – more information is provided in the Extent of Rights section of this booklet.

1. We have a duty to provide you with certain information when we obtain your personal data.
2. You have a right of access to your personal data.
3. You have a right to take action to rectify inaccurate personal data.
4. You have a right to erase personal data.
5. You have a right to restrict the processing of your personal data.
6. You have a right to data portability.
7. You have a right to object to processing of personal data (including direct marketing).
8. You have a right not to be subject to a decision based solely on automated processing of your personal data, including profiling, which produces legal effect or otherwise significantly affects you.
9. You have a right to seek compensation for any material or non-material damage caused by a breach of our statutory obligations to look after your personal data.
10. You have a right to lodge a complaint with a data protection supervisory authority.
11. You have a right to an effective judicial remedy against us.



You should please note that we are entitled to ensure we have satisfied ourselves as to your identity and/or any authority under which you seek to exercise a right and that in cases where there is an obligation on our part to respond within 1 month that period can generally be extended by an additional 2 months in complex cases but if we do that then we need to tell you we will be doing that and why within that initial 1 month period.

## Extent of Rights

### **Our duty to provide you with certain information when we obtain your personal data.**

You are entitled to receive information from us about how we use your personal data.

Usually this information must be provided at the time we collect your personal data from you, or, in situations where we obtain your personal data other than directly from you, then either within a month after we have obtained it or on our first communication to you or on our first disclosure of your personal data.

The information you can expect should usually tell you, amongst other things, which Standard Bank company(ies) have responsibility for your personal data and their contact details, the contact details of our Data Protection Officer, the purpose for which we use your personal data, the lawful basis we rely on to process that personal data, information regarding who we share it with and why, where they are and what safeguards we may have in place around that sharing, information relating to how long we hold on to that personal data, and information relating to your rights in respect to it.

Such information is provided in what's generally referred to as a Privacy Notice. We have a general client privacy notice on our website (see) <https://international.standardbank.com/pbbinternational/aboutus/Footer/Privacy-statement> these are also available in a physical format on request.



## The right of access to your personal data

This is a right to obtain from us, without undue delay and in any event within a 1 month period of our receipt of a qualifying request from you:

- i) confirmation as to whether or not we process your personal data;
- ii) where that is the case then access to a copy of that personal data; and
- iii) additional information from us that is broadly the same as that outlined in the explanation of “Our duty to provide you with certain information when we obtain your personal data” above.

You should please be aware that this right is to personal data as opposed to documents and that there are a number of general restrictions/exceptions which may apply to any given response on a case by case basis.

When exercising your right of access then, in addition to satisfying ourselves as to your identity before being obliged to respond to your request, we are also entitled to obtain information from you to help us better source the personal data you are looking for prior to responding.

Although your request needn't be in writing then we will always ask that you please confirm it in writing and/or we will confirm it back to you in writing in order to ensure it has been properly understood and evidenced.

To assist you when exercising this right we have prepared a template data subject access request letter which can be provided on request.



## The right to take action to rectify inaccurate personal data

This is a right to obtain, without undue delay and in any event within 1 month of receipt of a request, the rectification of inaccurate personal data concerning you, including the right to have incomplete personal data completed, including by your provision of a supplementary statement.

Unless it proves impossible or involves disproportionate effort then in responding to this right we are required to communicate the rectification to each recipient to whom the personal data have been disclosed and to inform you about those recipients if you so request it.

Certain minor/immaterial inaccuracies can be corrected as a matter of course so please just speak to our staff.

In the event something more material needs correcting then our staff will request this please be put to us in writing. A template correction request letter can be provided to you on request.



## **The right to erase personal data**

This is commonly referred to as the “right to be forgotten” and is the right to get us to erase personal data concerning you without undue delay and in any event within 1 month of our receipt of such a request.

Unless it proves impossible or involves disproportionate effort then in responding to this right we are required to communicate the erasure to each recipient to whom the personal data have been disclosed and to inform you about those recipients if you so request it.

This right is restricted in the sense that it DOES NOT apply to the extent that our processing is necessary, for example, to comply with a legal obligation to which we are subject or for us to establish, exercise or defend a legal claim.

This right also only applies in one of the following scenarios:

- (a) the personal data are no longer necessary in relation to the purposes for which we needed it;
- (b) we are processing the personal data only with your consent and you withdraw that consent;
- (c) we are processing the personal data in our legitimate interests and you object to that processing and there are no overriding legitimate grounds for us to continue processing it;
- (d) we are direct marketing to you and you object to that direct marketing;
- (e) the personal data have been unlawfully processed by us; or
- (f) the personal data have to be erased for compliance with a legal obligation to which we are subject.

A template erasure request letter can be provided to you on request.

## The right to restrict the processing of your personal data

This right entitles you, without undue delay and in any event within 1 month of receipt of the request, to restrict our processing of your personal data.

Where this right is exercised then such personal data shall, with the exception of being stored, only be processed by us:

(a) with your consent; or

(b) for the establishment, exercise or defence of legal claims by us; or

(c) for the protection of the rights of another natural or legal person; or

(d) for reasons of important public interest in our jurisdiction of operation.



This right can only be applied where:

1. you dispute the accuracy of the personal data – in which case the restriction will apply for such period as enables us to verify that accuracy;
2. our processing is unlawful and although you oppose erasure of the personal data you request we restrict its use instead;
3. we no longer need the personal data for the purposes required but they are nevertheless required for the establishment, exercise or defence of legal claims;
4. our processing of the personal data is in our legitimate interests and you have objected to that processing so the restriction is put in place pending determination as to whether your rights and freedoms in that particular situation outweigh our legitimate interests.

An individual who has obtained restriction of processing must be informed by us before the processing restriction is lifted.

Unless it proves impossible or involves disproportionate effort then in responding to this right we are required to communicate the restriction to each recipient to whom the personal data have been disclosed and to inform you about those recipients if you so request it.

A template restriction request letter can be provided to you on request.



## The right to data portability

This is a right to, without undue delay and in any event within 1 month of receipt of the request:

- a) receive your personal data in a structured, commonly used, machine-readable format from us so you can store it for further personal use on a private device; and
- b) transmit personal data from us to another organisation without hindrance, and effectively facilitates the ability to move, copy or transfer personal data easily from one IT environment to another.

This right only applies:

1. to personal data processed by automatic means (that is, excludes paper files); and
2. to personal data processed on the basis of prior consent having been given or for performance of a contract to which you are party; and
3. to personal data concerning you and provided by you; and
4. where the rights and freedoms of third parties are not adversely affected.

A template data portability request letter can be provided to you on request.



## The right to object to processing of personal data (including direct marketing)

This is a right to object to our processing your personal data where we have deemed such processing necessary in our legitimate interests and you disagree.

Where you disagree then we need to stop processing the personal data unless we can demonstrate compelling legitimate grounds for processing which override your interests, rights and freedoms, or where our processing is necessary for the establishment, exercise or defence of legal claims. We cannot however override an objection you may make to direct marketing communications.

Where you exercise this right then we must respond without undue delay and in any event within 1 month of receipt of the objection.

A template objection request letter can be provided to you on request.

You also have a right to object at any time to our processing your personal data for direct marketing purposes and if this is exercised we will stop sending you direct marketing communications – please follow the instructions on our marketing communications to unsubscribe to action this specific objection.



**The right not to be subject to a decision based solely on automated processing of your personal data, including profiling, which produces legal effects or otherwise significantly affects you (for example by discriminating against you).**

Before explaining this right, and to better aid your understanding, we give you a few examples of what automated decision making/profiling might include.

An automated decision might typically include one where a computer takes a decision to prevent a particular transaction from proceeding because it has applied a pre-programmed formula and as a result has identified the transaction as being unusual or potentially fraudulent. If there is no human intervention in this decision making process then that would be an automated decision.

Sending you marketing material relating to specific services or products based on your known characteristics or previous preferences would be an example of what is called profiling.

This right not to be subject to automated decision making/profiling does not apply if the automated decision/profiling:

- (a) is necessary for the entering into, or performance of, a contract between us;  
or
- (b) is authorised by a law to which we are subject and which lays down suitable measures to safeguard your rights and freedoms and legitimate interests;  
or
- (c) is based on your explicit consent.

Where an automated decision is made as per (a) and (c) above then we are nevertheless required to implement suitable measures to safeguard your rights and freedoms and legitimate interests, and at least allow you to obtain human intervention on our part in the decision and to express your point of view in respect to it, ultimately allowing you to contest the decision.

Automated decision making is specifically not allowed when it uses what is called your special category personal data (for example, your health data) unless either



you have given your explicit consent or the processing is necessary for reasons of substantial public interest on the basis of applicable law, and suitable measures to safeguard your rights and freedoms and legitimate interests are in place.

Where you exercise this right then we must respond without undue delay and in any event within 1 month.

A template ADM request letter can be provided to you on request.



### **The right to seek compensation for any material or non-material damage caused by our breaching our statutory obligations to look after your personal data**

Where we process your personal data then we can be held liable by a competent court to compensate you for damage caused which infringes our statutory obligations to look after that personal data.

A data processor (another party who processes your personal data on our behalf and in accordance with our instructions) can also be held liable to compensate you for damage caused by their processing but only where that processor has either not complied with the statutory obligations specifically directed at data processors or where it has acted outside or contrary to our lawful instructions.

It is a defence against liability for the alleged infringing party to prove that it is not in any way responsible for the event giving rise to the damage.

If you feel that you have suffered any damage as a result of our processing your personal data then we should always be grateful for the opportunity to try and resolve any issue you might have in the first instance and would ask that you please put your detailed grievance in writing to us marked for the attention of the Data Protection Officer of your relevant Standard Bank data controller.

To determine who your Standard Bank data controller(s) is/are and their contact details please refer to the information regarding our privacy notices in the final paragraph of the "Our duty to provide you with certain information when we obtain your personal data" section of this booklet.

In the event that we are unable to satisfactorily resolve your issue and you feel you have suffered damage as a result then you should please seek your own professional legal advice.



## The right to lodge a complaint with a data protection supervisory authority

You have a right to complain about our handling of your personal data to a data protection supervisory authority regardless of any other administrative or court remedy you may seek.

Your complaint can either be made to the data protection authority (“DPA”) where you reside, or the authority in the country/territory you work in, or the authority in the place of the alleged infringement of the GDPR. Your complaint can be made to the relevant DPA – our details for DPA in our jurisdictions are at the end.

The supervisory authority should then keep you informed on the progress of the complaint including the possibility of any judicial remedy you may have.

If you have an issue with our processing of your personal data then we should always be grateful for the opportunity to try and resolve any issue you might have in the first instance and would ask that you please put your detailed grievance in writing to us marked for the attention of the Data Protection Officer of your relevant Standard Bank data controller. To determine who your Standard Bank data controller(s) is/are and their contact details please refer to the information regarding our privacy notices in the final paragraph of the **“Our duty to provide you with certain information when we obtain your personal data”** section of this booklet.

In the event that we are unable to satisfactorily resolve your issue then links to our Jersey, Isle of Man and Mauritius data protection regulatory authorities are provided at the end of this booklet.



## The right to an effective judicial remedy against us

This right exists regardless of any other administrative remedy or complaint to a data protection supervisory authority you may make.

Where you consider your rights under applicable data protection legislation have been infringed as a result of any processing of it in non-compliance with that applicable legislation then you can enforce your rights through a competent court. If you have an issue with our processing of your personal data then we should always be grateful for the opportunity to try and resolve any issue you might have in the first instance and would ask that you please put your detailed grievance in writing to

us marked for the attention of the Data Protection Officer of your relevant Standard Bank data controller. To determine who your Standard Bank data controller(s) is/ are and their contact details please refer to the information regarding our privacy notices in the final paragraph of the “Our duty to provide you with certain information when we obtain your personal data” section of this booklet.

In the event we are then unable to satisfactorily resolve your issue and you wish to enforce your rights through the judicial system then you should please seek your own professional legal advice.



### **Further Information, contact details and legal note**

For further information on any of the rights mentioned please contact your relevant Data Protection regulatory authority:

In Jersey – <https://oicjersey.org/>

In Isle of Man – <https://www.inforights.im/>

In Mauritius – <http://dataprotection.govmu.org/English/Pages/default.aspx>

This booklet is not designed to provide a comprehensive summary of these rights and does not constitute professional advice. You should not act on the contents of this booklet alone. No warranty (expressed or implied) is given in terms of the accuracy and completeness of the contents.

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For the avoidance of doubt, our duties and responsibilities do not include legal, or other specialist or technical advice or services. You are to rely on your independent appraisal of and investigations into the information provided, and we advise you received specialist legal advice if you have any concerns regarding your data protection rights.

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