

GIBRALTAR SAVINGS BANK

PRIVACY NOTICE

Gibraltar Savings Bank
Effective 25th May 2018

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1. INTRODUCTION

The Gibraltar Savings Bank ("the GSB") as data controller for the purposes of the Data Protection Act 2004, together with any regulations made under them, takes its data protection and privacy responsibilities seriously.

This privacy notice explains how we receive, use and share personal information in the course of our business activities.

a) Our Privacy Notice

This Privacy Notice sets out what information we hold, how we use it, the reasons why we need the information, under what circumstances we share it and how long this is kept.

This Privacy Notice applies to all clients and prospective clients of the Gibraltar Savings Bank ("GSB") as well as persons nominated by a client (via a Nomination Form) to receive the monies held with the GSB in the event of their death.

This Privacy Notice covers Personal Data that is held electronically and also applies to well-structured paper-based filing systems.

b) Explanation of terms used in this Privacy Notice

Personal Data – is information held on a living person from which such person can be identified. It does not include data where the identity of the person has been removed (anonymous data).

Special Category Personal Data – means personal data that reveals any of the following; racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. *(The GSB does not necessarily process all of the above Special Category Personal Data).*

2. THE INFORMATION WE PROCESS

The GSB collects, stores and processes personal data in order to be able to provide banking and investment services, in accordance with Gibraltar Savings Bank Laws, the Proceeds of Crime Act, International Co-operation Tax Laws and Data Protection Laws and/or any other legislation in force at any given time.

Personal data about you and your investments is private and confidential and will not be disclosed to anyone not connected with the provision of this service, unless you give us your consent, the disclosure forms part of a Data Sharing Agreement, or the law permits or requires it.

- a. The GSB will hold Data Sharing Agreements with some Government Departments and we will disclose information to these Government Departments who may be assessing you for payment of benefits.
- b. Where required by law, we will disclose information to law enforcement or fraud prevention bodies, judicial bodies, Government departments, taxation or regulatory authorities.

Personal information processed by the GSB in providing services to you may include:-

Category of data	Examples of the type of data
Personal details	Name, email address, telephone number, address
Personal details of third parties, including beneficiaries, *nominees, lawyer, Power of Attorney or Receivership	Their name, address, date of birth,
Personal identification data	Identity Card details or Passport
Government identifiers	Tax Reference Number, Social Insurance Number, Client Unique Number
Financial details	Income and expenditure details, bank account details, details of investments and assets
Employment details	Past, current and prospective employers, salary, pension scheme details, medical condition, Source of wealth
GSB Services provided	Account number, balance of account, transaction data, statements and reports, certificate numbers
Family, lifestyle and social circumstances	Dependents, marital status, next of kin, nationality and country of residence
Special Category Personal Data	Details of any mental health condition, Details of individuals assigned to deal with the financial affairs of persons who do not have mental capacity to handle these. (see Section 4(a)(ii) How we use your Special Category Personal Data)
Other information	Feedback, comments, complaints

*We will process data on third parties (who may not be clients of the GSB), including name, address and date of birth, in relation to 'Nominations' completed by our customers. Such persons, 'nominees', are nominated by a client of the GSB to receive monies that they have invested in the GSB in the event of death of the nominator. Such data will only be processed with the consent of the 'nominee'.

3. HOW WE COLLECT YOUR PERSONAL DATA

We collect your personal data directly from you when you seek, apply or are provided with information on our products and/or services. Personal Data is collected when you complete a required form, or by corresponding with us by post, phone, email or otherwise.

4. HOW WE USE YOUR PERSONAL DATA

As a data controller we are responsible for deciding how we use and store your Personal Data. We may use your Personal Data before, during and after our relationship with you.

(a) Legal Basis For Processing

(i) Personal Data

We will only use your Personal Data if it is lawful to do so, mainly as follows:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.
- Where we need to protect your interest.
- Where there is a data sharing agreement in place.

Generally, we do not rely on consent as the lawful basis for processing your personal data. However, in the case that we do rely on your consent, this can be withdrawn at any time, by communicating the withdrawal of consent to the pertinent government department, agency or authority. (Please refer to Section 8, Your Rights for further details.)

As part of our processing, the GSB will use your Personal Data as follows:

Propose/Activity	Types of Data	Lawful basis
To know you as a client To open, administer and operate your account with us To comply with Law enforcement or fraud prevention bodies Reporting suspicious Activity	Identity and contact details, account number, investment details, source of wealth, bank statements	Performance of a contract and/or to comply with Anti-money laundering legislation, Terrorist funding legislation and Crime prevention and/or any other legislation in force at any time.
As required to be able to trace you when your investments mature To provide products and services to you	Identity and contract details	Performance of a contract and/or to comply with Anti-money laundering legislation, Terrorist funding legislation and Crime prevention and/or any other legislation in force at any time.
To carry out operational and administrative activities	Identity and contact details, details of accounts and investments	Performance of Contract
Taxation Authorities Regulatory Authorities	Identity and contact details, details of accounts and investment	To comply with local and international taxation agreements

(ii) Special Category Personal Data

Data processing may include the processing of limited Special Category Personal Data about you which also requires protection. Such data is only collected and stored in the following circumstances:

- In exceptional cases where explicit written consent has been received.
- Where the GSB needs to carry out its legal obligations and in line with its data protection policy.
- (*) Where it is needed to protect your interests and you are not capable of giving your consent.

(*) This type of processing may occur when, for example,

- You suffer from a mental health condition and you are no longer able to make your decisions due to loss of mental capacity, in which case we will amend our procedures in order to take instructions from your duly appointed lawyer, receiver or trustee. With regard to processing of this category of information the GSB relies on Article 9(1)(g) of the GDPR in that it is necessary for reasons of substantial public interest and that further, the GSB is obliged to safeguard the economic wellbeing of individuals in accordance with Schedule 1, Part 2 paragraph 19 of the Data Protection Act 2004.
- Even though you are of sound mind you would like someone to take care of your financial affairs through a Power of Attorney.

5. SECURITY, SHARING AND DISCLOSURE OF PERSONAL DATA

The security and confidentiality of your data is very important to us.

The GSB will:-

- Ensure safeguards are in place to make sure personal data is kept secure in compliance with Government's Information Security Policy;
- Ensure that your data remains under the control of our authorised controllers and processors with adequate safeguards to protect your rights;
- Ensure only authorised staff are able to view your data;
- Not make your information available for commercial use;
- Only ask you for what is needed.

The GSB under Section 4 of the Gibraltar Savings Bank Act has responsibility for the promotion of the social and economic development of the community and in sharing data the GSB relies on the lawful basis of Article 6(1)(e) of the GDPR which provides that the processing of personal data is lawful when it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller.

Where data is shared internally in order to provide you with our services, we have operational policies to manage the sharing of personal data within the Department. This is mainly through limited and specific staff access to secure network areas and paper-based files on a need to use / read basis.

The Gibraltar Government has a number of inter-governmental agreements to share tax information, where applicable, with tax authorities in other territories. The requirement to collect information about each customer's tax residence is part of Gibraltar's legislation and we are legally obliged to collect and report the information listed below to our Competent Authority who will report to Her Majesty's Revenue and Customs (HMRC) and they may transfer that information to the Government of that territory in accordance with the relevant agreement as set out in the Reportable Jurisdictions for the purposes of the Automatic Exchange of Financial Account Information document. https://www.aeo.gov.gi/help/Reportable_Jurisdictions.pdf

The Personal Data that we will need to disclose will be your name; address; date of birth; jurisdiction of tax residence; taxpayer ID number (TIN); the balance of monies held in the GSB at the end of each calendar year or where an account has been closed, the balance before closure; and the gross amount of interest earned / paid during a calendar year.

We will enter into Data Sharing Agreements with different Government Departments, who may need to conduct an assessment of your entitlement to benefits in connection with the application for the following allowances:-

- The Housing Department for the assessment of rent relief allowance – name, date of birth, address, and the monthly interest on any GSB account you may hold.
- The Education Department for the assessment of hardship or access allowance for scholarship students and/or other financial dependants – name, date of birth, address, and investments held.
- The Department of Social Security for the assessment of social assistance allowance – name, date of birth, address, investments and monthly interest earned.

We shall share information with other government departments, agencies and authorities as follows:

- To assist law enforcement and other government agencies engaged in the protection or detection of crime, or to provide evidence in civil or criminal prosecutions; or
- Protect the misuse of Public Funds;
- For audit purposes;
- Software developers employed directly by the Treasury to carry out development and maintenance work.

Please be aware that in these cases, the Treasury will make an independent assessment of the third party request, but will **NOT** seek your approval to share this information beforehand.

We will share information in relation to payments made, including interest, with the bank to which you instruct us to make payments.

Your personal information will not be disclosed to any third party not mentioned above without your prior consent unless the GSB is required to do so by law.

6. COMMUNICATION WITH YOU

Our preferred method of communicating with you regarding the operation of your account will be via email, where an email address is provided by you. Otherwise communication will be via post or telephone.

7. RETENTION OF PERSONAL DATA

We are committed to keeping your personal information secure.

We will retain your personal data “client record” for as long as you are our client. The information on specific investments will be held for a period of 10 years after you have either:-

- Closed your Ordinary Deposit Account.
- Redeemed a debenture or bond or these have matured.

We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you. To determine an appropriate retention period in this respect, we will consider the amount, nature and sensitivity of the personal data, as well as the potential risk of harm from unauthorised use or disclosure of your personal data.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you. Once the information has been anonymised, we may use such information without further notice to you.

8. YOUR RIGHTS

We want to make you aware of your rights in relation to the personal data we hold on you. It is important that the data we hold on about you is accurate and up to date. Please keep us informed of any Personal Data changes during your relationship with us.

Your rights in connection with Personal Data.

You have the right by law to request the following:-

- **Access** to your Personal Data (data subject access request). Upon your written request we will provide you with a copy of the Personal Data we hold on you.
- You can also request that we **correct and update** information we hold about you to ensure that all the information we hold is complete and accurate.
- You may request **erasure** of your Personal Data. This enables you to ask us to delete or remove Personal Data which we no longer need to process or store. Note, however, that we may not always be able to comply with your request as a result of specific legal reasons which will be notified to you, if applicable, at the time of your request.
- You may request us to **restrict** the processing of your personal data (please note that such restriction may require that we suspend the operation of your accounts). In some cases, we demonstrate that we have compelling legitimate grounds to process your personal data.
- Request the transfer of your Personal Data to another party (also known as “Data Portability”).
- You may **make a complaint** on how we have handled your personal data.

The primary source of contact for all issues arising from this Privacy Notice is our Data Protection Co-ordinator. If you have any questions about this privacy notice or our privacy practices, please contact our Data Protection Co-ordinator or Data Protection Officer (DPO). If you want to request access, the correction, erasure, restriction or portability of your personal data, or you would like to make a complaint please contact our Data Protection Co-ordinator by writing to:-

**GSB Data Protection Co-ordinator
Gibraltar Savings Bank
206 - 210 Main Street
Gibraltar**

Email address: dpc@treasury.gov.gi; **Tel. No. +350 20048396**

We ask that you try to resolve any issues with us in the first instance. Please note, however, that you have a right to contact the Government's Data Protection Officer directly by writing to:-

**Data Protection Officer
No.6 Convent Place
Gibraltar**

dpo@gibraltar.gov.gi

You may also lodge a complaint with the Gibraltar Regulatory Authority by writing to Info@gra.gi

9. FEES TO ACCESS PERSONAL DATA

You will not need to pay in order to access our Personal Data or to exercise any of the other rights. However, if your request is clearly unfounded or excessive, we may charge a reasonable fee to deal with your request or refuse to deal with the request.

In either case, we will need to justify our decision.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information or to exercise any of your other rights. This is another appropriate security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it.

10. CHANGES TO THIS PRIVACY NOTICE

We continually review and update this Privacy Notice to reflect changes in our services, as well as to comply with changes in the law. We will notify you of any updates either in writing or by updating this Privacy Notice in the Government of Gibraltar website www.gibraltar.gov.gi (under Treasury Department / Gibraltar Savings Bank).

We may also notify you in other ways from time to time about the processing of your Personal Data.