



First National Bank

FIRST NATIONAL BANK GHANA SUPPLIER AND BUSINESS
PARTNER PRIVACY NOTICE

28 July 2023

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Definition of certain terms used in this notice

Affiliate	Means (a) any subsidiary or a holding company or a subsidiary of the holding company of either party, or (b) any entity that controls, is controlled by, or is under common control with, either party. The term “control” means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the entity through the ownership of voting securities representing 50% (fifty percent) plus 1 (one) of the possible votes.
Associate	Means any entity or unincorporated joint venture in which FNBG has the right to receive at least 20% (twenty percent) of the profit share or similar benefit derived from such entity or unincorporated joint venture.
Consent	Defined as any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
Data subject	means an individual who is the subject of personal data;
First National Bank Ghana	Means First National Bank Ghana Limited (FNBG)
Operator/Processor	In relation to personal data defined in the Data Protection Act as any person other than an employee of the data controller who processes the data on behalf of the data controller;
The Act	Data Protection Act, 2012, Act 843
Processing	Defined as any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including: (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.
Responsible party	Defined as a public or private body or other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

1 BACKGROUND AND PURPOSE OF THIS NOTICE

Protecting the personal information of First National Bank Ghana’s (FNBG’s) suppliers and business partners is important to the bank. To do so, FNBG follows general principles in accordance with the Data Protection Act, 2012, Act 843.

FNBG has developed this supplier and business partner privacy notice (**notice**) to enable its suppliers and business partners to understand how the bank collects, uses and safeguards their personal information.

2 RESPONSIBLE PARTIES WITHIN FNBG

FNBG is responsible for determining why and how the bank will use suppliers' and business partners' personal information. This notice applies to the processing of supplier and business partner information by FNBG.

When an FNBG supplier or business partner provides its personal information to the bank, FNBG determines the means and purpose for processing of the personal information.

A **supplier**, in the context of this notice, means a natural or juristic person that provides a product or renders a service to the FNBG and is a data subject, where their personal information is processed by the bank. A supplier could also be considered as an operator, an independent responsible party or (together with FNBG) a joint responsible party. The bank and its suppliers will at all times remain independent contracting parties.

A **business partner**, in the context of this notice, means a natural or juristic person holding a business relationship with FNBG, where such relationship does not fall within the category of a supplier, employee or customer relationship. By virtue of the business relationship, FNBG is required to process personal information belonging to its business partner and such business partner is thus a data subject. For the avoidance of doubt, the term "business partner" is used for the sake of convenience and for descriptive purposes only and should not be construed to imply a partnership between FNBG and the business partner in a legal sense or as understood in law. FNBG and its business partners will always remain independent contracting parties. Depending on the nature of the business relationship, a business partner could be considered as an operator, an independent responsible party or (together with FNBG) a joint responsible party.

3 PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

Personal information refers to any information relating to the supplier or business partner which identifies the supplier or business partner (who can be a natural or a juristic person). If a supplier or business partner is a juristic person, FNBG may collect and use personal information relating to the juristic person's directors, officers, employees, beneficial owners, partners, shareholders, members, authorised signatories, representatives, agents, payers, payees, customers, guarantors, spouses of guarantors, sureties, spouses of sureties, other security providers and other persons related to the juristic person. These are the suppliers' and business partners' **related persons**.

If the supplier or business partner provides FNBG with its related persons' personal information, the supplier or business partner warrants that the related persons are aware of and have consented to the sharing and processing of their personal information with/by FNBG. FNBG will process the personal information of related persons as stated in this notice and references to "the supplier" or "the business partner" in this notice will include related persons (with the necessary amendments).

Examples of the personal information of the supplier or business partner where relevant may include (but are not limited to):

- financial information of the supplier or business partner, which includes banking account information and financial records including bank statements provided to FNBG;

- invoices issued by the supplier or business partner to FNBG;
- the contract/agreement between FNBG and the supplier or business partner;
- other identifying information of the supplier or business partner, which includes company registration number, VAT number, tax number and contact details;
- marital status and matrimonial property regime (e.g. married in community of property);
- national origin;
- age;
- language;
- date of birth;
- education;
- financial history;
- identifying number (e.g. an account number, identity number or passport number);
- email address;
- physical address (e.g. residential address, work address or physical location);
- information about the location (e.g. geolocation or GPS location) of a supplier or business partner;
- telephone number;
- online and other unique identifiers;
- social media profiles;
- biometric information (like fingerprints, facial recognition signature or voice collected through the group's authenticated processes or CCTV);
- race;
- gender;
- sex;
- criminal history;
- personal views, preferences and opinions;
- confidential correspondence;
- another's views or opinions about a supplier or business partner; and/or
- the name of the supplier or business partner.

Some of the above personal information elements are considered special personal information, specifically as explained below.

Special personal information is personal information about the following:

- criminal behaviour, to the extent that such information relates to the alleged commission of an offence (to prevent money laundering as required by law, or when entering into a business relationship with FNBG), or

any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings;

- religious and philosophical beliefs (for example, where a customer enters a competition and is requested to express a philosophical view);
- race or ethnic origin (e.g. for performing vendor and other risk management or statistical processes);
- trade union membership;
- political beliefs;
- health, including physical or mental health, disability and medical history (e.g. when assessing eligibility for funding which may for example be in the form of grants or sponsorships or when such information is collected via any one of the group's corporate and social responsibility initiatives); or
- biometric information (e.g. to verify identity).

4 THE PURPOSES IN REFERENCE TO PROCESSING OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

Personal information will be processed by FNBG in the normal course of the management of suppliers and the dealings with business partners for various purposes. Such purposes may include (where applicable to the relationship), but are not limited to:

- Procuring products, goods and services from the supplier or business partner.
- Responding to enquiries and complaints from the supplier or business partner.
- Maintaining the data of the supplier or business partner.
- Collaborating with the supplier or business partner (for example, collaborating in order to provide products or services to group customers).
- Complying with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules), voluntary and involuntary codes of conduct and industry agreements or fulfilling reporting requirements and information requests.
- Detecting, preventing and reporting theft, fraud, money laundering and other crimes. This will include conducting criminal, credit reference/bureaux, sanctions, anti-bribery and other related reference checks on the supplier or business partner, including but not limited to politically exposed person (PEP). Such checks may be conducted on an ongoing basis throughout the period of engagement and may include lifestyle audits as well as reporting on the conduct of suppliers or business partners where FNBG is required to do so by law to the relevant bodies after termination of the underlying agreement.
- Complying with all applicable laws authorising or requiring such processing, including (but not limited to):
 - Financial Intelligence Centre Act (38 of 2001)
 - Criminal Offences Act - 1960 (ACT 29) as amended Companies Act 2019, Act 992
 - Financial Sector Regulation Act, 2017.
- Enforcing and/or collecting on any agreement when the supplier or business partner is in default or breach of the agreement terms and conditions, e.g. tracing the supplier or business partner or to institute legal proceedings against the supplier or business partner.

- Conducting market and behavioural research, including scoring and analysis.
- Historical, statistical and research purposes, e.g. market segmentation or performance management.
- Security, identity verification and checking the accuracy of the personal information of the supplier or business partner.
- Performing vendor and other risk management processes.
- Communicating with the supplier or business partner and/or to carry out the instructions and requests of the supplier or business partner.
- Enabling the supplier's participation in supplier development programmes (including training and evaluation to access resources like funding and banking) and/or assessing the eligibility of the supplier or business partner for funding, which may for example be in the form of grants or sponsorships.
- Generally exercising the group's rights and carrying out FNBG's obligations in terms of the contract between FNBG and the supplier or business partner.
- Any other related purposes.

The provision of personal information by suppliers and business partners is mandatory to enable:

- the conclusion or performance of the contract to which the supplier or business partner is party or, prior to entering into the contract, taking the necessary steps to enable the negotiation and/or execution of the contract;
- compliance with legal obligations that FNBG is subject to;
- the protection of a legitimate interest of the supplier or business partner; and/or
- the pursuit or maintenance of legitimate interests by the bank or by the third party to whom the personal information is disclosed for one or more of the above purposes.

There may be instances where FNBG will lawfully process personal information for purposes not listed above. In instances where the provision of personal information is voluntary, where the law requires consent from the supplier or business partner may be sought. Such consent may at any moment be withdrawn.

5 THE CONSEQUENCES RELATING TO SUPPLIERS AND BUSINESS PARTNERS WHO DO NOT PROVIDE THEIR PERSONAL INFORMATION TO FNBG

Suppliers and business partners undertake to provide their personal information to FNBG when specifically requested to do so. Should a supplier or business partner not want to do so and the personal information is required to enter into a contract or business relationship, then the bank will be unable to enter into a contract or pursue any contractual relationship with the supplier or business partner.

6 THE QUALITY OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

FNBG will take reasonable and practicable steps to ensure that the personal information of the bank's suppliers and business partners is complete, accurate and not misleading, and is updated where necessary.

Suppliers and business partners can update their personal information, once given, by forwarding such a request to their contact person within FNBG, or (in the case of suppliers) by directing such a request to the FNBG business support or finance team. The contact person will be the individual the supplier or business partner is working/dealing with from the bank.

SECURITY AND CONFIDENTIALITY OF personal information pertaining to suppliers and business partners
All personal information of the supplier or business partner processed by tFNBG will be held confidentially.

FNBG will take reasonable, appropriate, technical and organisational measures to keep the personal information of its suppliers and business partners secure in accordance with the bank's policies and procedures on information security and in accordance with any applicable legislation.

7 RETENTION OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

Personal information will not be kept by FNBG for longer than is necessary for the purposes of the processing set out above, unless a further retention period is required by law, or where FNBG reasonably requires a further

retention period for a lawful purpose relating to its functions or activities, or where a further retention period is required by the contract between the supplier or business partner and the bank.

8 THE SHARING OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

The personal information of the supplier or business partner may be shared within FNBG and with affiliates and third parties with whom the bank contracts to process such personal information and pursuant to the instruction of FNBG, under specific terms or purposes as set forth in this notice. A simplified legal entity structure for the bank can be found on the FNBG website.

Moreover, certain affiliates and third parties could be based outside of Ghana. In such instances, FNBG will comply with cross-border transfer conditions of personal information as set out in the Data Protection Act, 2012, Act 843.

FNBG will ensure that reasonable and adequate safeguards are in place when sharing personal information of the supplier or business partner as set out above.

9 THE USE OF OPERATORS TO PROCESS PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

FNBG may assign the processing of the personal information of the supplier or business partner to an operator who will process such personal information under a contract or mandate entered into with the bank. The operator may be a third party, another entity within FNBG, an excluded subsidiary or an associate of the bank. In terms of a contract or mandate, FNBG will ensure that the operator processes the personal information of the supplier or business partner on a confidential basis and applies reasonable, appropriate, technical and organisational security measures when processing the personal information of the supplier or business partner.

10 RIGHTS OF SUPPLIERS AND BUSINESS PARTNERS

Rights	Description and information to exercise such rights
The right to be informed	The notice has been developed to enable suppliers and business partners to understand how FNBG collects, uses and safeguards their personal information.

Rights	Description and information to exercise such rights
The right to access to information	<p>A supplier or business partner has the right to access its personal information.</p> <p>A supplier or business partner may follow various avenues to access personal information.</p> <p>A supplier or business partner may contact FNBG or direct its request to the responsible relationship manager within the bank.</p>
The right to the correction, destruction, deletion and objection to the processing of the personal information of the supplier or business partner	<p>Such requests can be forwarded to the responsible relationship manager within FNBG. The responsible relationship manager will advise on the form and manner to submit and action such requests.</p>
The right to object to direct marketing	<p>If the personal information of the supplier or business must be used for direct marketing purposes, FNBG will afford the supplier or business partner (and the related persons of the supplier or business partner) an opportunity to either opt in or out of receiving such direct marketing.</p> <p>The supplier has the right to opt out of direct marketing any time after he/she has opted for an electronic marketing</p>
The right to withdraw consent	<p>Where a supplier or business partner has provided their consent for the processing of their personal information, they may withdraw their consent. If they withdraw their consent, the bank will explain the consequences of such withdrawal.</p>

Rights	Description and information to exercise such rights
<p>The right to submit a complaint to FNBG and to the Data Protection Commission</p>	<p>Suppliers and business partners have the right to submit a complaint to the Data Protection Commission regarding an alleged breach of the conditions for lawful processing of personal information as set out in Data Protection Act, 2012, Act 843.</p> <p>The contact details of the Data Protection Commission is provided below:</p> <p>Tel: +233 (0302222929 Website: https://dataprotection.org.gh/ Complaints email: info@dataprotection.org.gh General enquiries email: info@dataprotection.org.gh</p> <p>The supplier or business partner can choose to submit complaints to the bank for resolution before submission to the Data Protection Commission. Any queries or complaints regarding the processing of personal information of the supplier or business partner can be directed to the responsible relationship manager within the bank.</p>

11 RESPONSIBILITIES OF SUPPLIERS AND BUSINESS PARTNERS WHO ARE OPERATORS UNDER THE DATA PROTECTION ACT

Where a supplier or business partner, in terms of a contract or mandate, processes personal information for responsible parties within FNBG and is considered an operator of the bank, the supplier or the business partner will be required to adhere to the obligations set out in the bank’s data protection policy for suppliers. This policy is available on the bank’s website and sets out the rules of engagement in relation to how personal information is processed by suppliers and business partners on behalf of FNBG as well as the minimum legal requirements that the bank requires the suppliers and business partners to adhere to, including compliance with the Data Protection Act and the General Data Privacy Regulation and other legislation where applicable, from time to time, in their capacity as service providers or business partners to FNBG. This policy is applicable to all suppliers and business partners that engage with FNBG and handle personal information as defined in the Data Protection Act.

12 DOCUMENT INFORMATION

Any changes to the notice will come into force and effect once the updated notice has been published on the relevant supplier or business partner electronic channels and a notice regarding the publication of the updated notice has been dispatched to the supplier or its authorised representative(s) or to the business partner or its authorised representative(s).

-END-

ANNEXURES:

- **FORM 1:** OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE DATA PROTECTION ACT, 2012, ACT, 843
 - **FORM 2:** REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF THE DATA PROTECTION ACT, 2012, ACT 843