



FNB ESWATINI SUPPLIER AND BUSINESS PARTNER PRIVACY NOTICE

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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 terms “subsidiary” and “holding company” will have the meaning assigned thereto in Chapter 1 of the Companies Act, 2009 (Companies Act). 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 FirstRand 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.
Explicit Consent	Defined in the Data Protection Act, 2022 as any voluntary, specific and informed consent communicated expressly by spoken or written words in terms of which a data subject agrees to the processing of personal information relating to a data subject.
Implicit	Defined in the Data Protection Act, 2022 to mean consent that is inferred from signs, actions or facts, or by inaction or silence.
Data subject	Means a person who is the subject of the processing of the personal information and who is identified or identifiable.



	In reference to FNB Eswatini, this primarily means, but is not limited to, suppliers, business partners and their respective related persons.
FirstRand or the group	Means FirstRand Limited and its subsidiary companies, including divisions, segments and business units. Certain subsidiary companies may be excluded from the FirstRand group description for the purposes of this privacy notice such as where the FirstRand group is involved in private equity investments (excluded subsidiaries). A simplified legal entity structure for the group can be found on the FirstRand website.
FNB of Eswatini Limited	A company incorporated in terms of the company laws of the kingdom of Eswatini and a financial institution duly registered in terms of the Financial Institutions Act, 2005, registration number 24/1988.
Data processor	Defined in Data Protection Act as a natural or legal person, or public body which processes personal information for and on behalf of a data controller and under the instructions of a data controller and excludes persons who are authorised to process data under the direct authority of a data controller.
POPIA	Protection of Personal Information Act, No. 4 of 2013
Processing	Defined in Data Protection Act, 2022 as any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including: <ul style="list-style-type: none"> (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.
Data controller	Defined in Data Protection Act as a public or private body which or any other person designated by law, who alone or together with others, determines the purpose of and means for processing personal information, regardless of whether or not such data is processed by that party or by a data processor on its behalf, where the purpose and means of processing are determined by law.

1 BACKGROUND AND PURPOSE OF THIS NOTICE

Protecting the personal information of FNB Eswatini (FNBE) suppliers and business partners is important to FNB Eswatini. To do so, FNB Eswatini follows general principles in accordance with applicable privacy laws, Eswatini's Data Protection Act, 2022 and the Protection of Personal Information Act (POPIA), No. 4 of 2013 in particular.

FNB Eswatini 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 DATA CONTROLLER



When FNB Eswatini's supplier or business partner provides its personal information to the Bank, the data controller will be FNB Eswatini, which, from an overall perspective, 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 FNB Eswatini and is a data subject, where their personal information is processed by the Bank. A supplier could also be considered as a data processor, an independent data controller or a joint data controller. FNB Eswatini 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 FNB Eswatini, where such relationship does not fall within the category of a supplier, employee or customer relationship. By virtue of the business relationship, FNB Eswatini 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 FNB Eswatini and the business partner in a legal sense or as understood in law. FNB Eswatini and its business partners will at all times remain independent contracting parties. Depending on the nature of the business relationship, a business partner could be considered as a data processor, an independent data controller or a joint data controller.

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, FNB Eswatini 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 FNB Eswatini 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 FNB Eswatini. FNB Eswatini 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 the FNB Eswatini;



- invoices issued by the supplier or business partner to the FNB Eswatini;
- the contract/agreement between the bank 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;
- 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 bank'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 the bank), 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 bank'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 FNB Eswatini 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 bank 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), Prevention of Corruption Act 2006, Money Laundering and Financing of Terrorism (Prevention) Act, 2011 as amended and reference 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 the bank 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):
 - Money Laundering and Financing of Terrorism (Prevention) Act, 2011;
 - The Companies Act, 2009;
 - Data Protection Act 2022;
 - Prevention of Corruption Act 2006;
 - Financial Service Regulation Authority Act, 2010.
- 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 bank's rights and carrying out FNB Eswatini obligations in terms of the contract between the bank 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 the bank 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 FNB Eswatini 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 FNB ESWATINI

Suppliers and business partners undertake to provide their personal information to FNB Eswatini 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

FNB Eswatini 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 the Bank, or (in the case of suppliers) by directing such a request to the Bank's procurement email. The contact person will be the individual the supplier or business partner is working/dealing with from the Bank. The email address for the bank's procurement team for suppliers is procurement@fnb.co.sz.



7 SECURITY AND CONFIDENTIALITY OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

All personal information of the supplier or business partner processed by FNB Eswatini will be held confidentially.

FNB Eswatini 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.

8 RETENTION OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

Personal information will not be kept by FNB Eswatini 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 FNB Eswatini 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 FNB Eswatini.

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

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

Moreover, certain affiliates and third parties could be based outside of Eswatini. In such instances, FNB Eswatini will comply with cross-border transfer conditions of personal information as set out in the Data Protection Act, 2022.

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

10 THE USE OF DATA PROCESSORS TO PROCESS PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

FNB Eswatini may assign the processing of the personal information of the supplier or business partner to a data processor who will process such personal information under a contract or mandate entered into with the Bank. The data processor may be a third party, another department within the Bank, an excluded subsidiary or an associate of the Bank. In terms of a contract or mandate, FNB Eswatini will ensure that the data processor 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.



11 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 the bank collects, uses and safeguards their personal information.
The right to access to information	<p>A supplier or business partner has the right to access its personal information using the following avenues:</p> <p>A supplier or business partner may contact FNB Eswatini or direct its request to procurement@fnb.co.sz.</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 the bank. The responsible relationship manager will advise on the form and manner to submit and action such requests.</p> <p>A supplier could also update personal information through the procurement email.</p>
The right to object to direct marketing	If the personal information of the supplier or business partner has been used for direct marketing purposes, FNB Eswatini will afford the supplier or business partner (and the related persons of the supplier or business partner) an opportunity to opt out of receiving such direct marketing.
The right to withdraw consent	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.
The right to submit a complaint to FNB Eswatini and to the information regulator	<p>Suppliers and business partners have the right to submit a complaint to the Eswatini Communication Commission (Eswatini) regarding an alleged breach of the conditions for lawful processing of personal information as set out in Data Protection Act, 2022.</p> <p>The contact details of the Eswatini Communication Commission are provided below:</p> <p>Tel: +268 2406 7000 Website: https://www.esccom.org.sz/contactus/ General enquiries email: info@esccom.org.sz</p> <p>The supplier or business partner can choose to submit complaints to the bank for resolution before submission to the 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>



12 RESPONSIBILITIES OF SUPPLIERS AND BUSINESS PARTNERS WHO ARE DATA PROCESSORS UNDER THE DATA PROTECTION ACT, 2022

Where a supplier or business partner, in terms of a contract or mandate, processes personal information for Data Controllers within the bank and is considered a data processor 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 the bank as well as the minimum legal requirements that FNB Eswatini requires the suppliers and business partners to adhere to, including compliance with POPIA and the Data Protection Act, 2022 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 the bank. This policy is applicable to all suppliers and business partners that engage with FNB Eswatini and handle personal information as defined in applicable law.

13 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).



ANNEXURES:

- **FORM 1:** OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached. 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT <i>(person who is objecting to the processing of his/her information)</i>		
Names and surname			
Unique Identifier / Identity Number / Unique government identifier			
Residential, postal or business address			
	<i>Code ()</i>		
Contact number(s)		Fax number / E-mail address	
B	IF THE OBJECTION IS IN RELATION TO PROCESSING ACTIVITIES PERFORMED BY A THIRD PARTY ON BEHALF OF THE BANK, THEN COMPLETE PART B		
Name(s) and surname / registered name of third party			



C	REASONS FOR OBJECTION <i>(Please provide detailed reasons for the objection)</i>

Signed at _____ on _____ 20 _____

Signature of data subject/designated person

- **FORM 2: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]**

FORM 2

REQUEST FOR CORRECTION, UPDATING, DELETION OR DESTRUCTION OF PERSONAL INFORMATION

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "X".



Request for:

Correction or updating of the personal information about the data subject.

Access or deletion of a record of personal information about the data subject.

A	DETAILS OF DATA SUBJECT (person who is making this request regarding his/her information)		
Names and surname			
Unique Identifier / Identity Number / Unique Government Identifier			
Residential, postal or business address			
	Code ()		
Contact number(s)		Fax number / E-mail address	
B	IF THE REQUEST IS IN RELATION TO PROCESSING ACTIVITIES PERFORMED BY SOMEONE OTHER THAN THE BANK (a third party), THEN COMPLETE PART B		
Name(s) and surname / registered name of third party			
C	INFORMATION TO BE DELETED/DESTROYED		
Information to be destroyed/deleted			
What information must be destroyed/deleted?	Why must the information be destroyed/delete?		



D	INFORMATION TO BE CORRECTED/UPDATED
Information to be corrected/updated	
What information must be corrected/updated?	Why must the information be corrected/updated?

Signed at _____ on _____ 20____

Signature of data subject/designated person

-END-