

# Privacy Policy

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*Banque des Mascareignes Ltée*

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## **I. Getting to know us**

### **1. Who we are**

Banque des Mascareignes Ltée (hereinafter referred to as ‘the Bank’) is a Bank duly licensed under the laws of Mauritius and is an exclusively owned subsidiary of Banque Centrale Populaire. The Bank is also a data controller for the purposes of the Data Protection Act 2017. This means it is responsible for deciding how it can use your personal data. The law is changing, but our commitment to keep your personal data safe isn’t.

### **2. What is this Privacy Policy all about**

This Privacy Policy statement applies to the Bank’s website operated under the domain name: [www.bm.mu](http://www.bm.mu). The purpose of this Privacy Policy is to let you know how the Bank safeguards your personal information. This covers the details you provide us with, data we gather while having you as a customer and the marketing choices you want the Bank to send you. This policy also informs you of your privacy rights and how the Data Protection Act 2017 protects you.

### **3. Our Privacy Promise**

The Bank promises you:

- (a) To keep your data safe and private;
- (b) To process your data lawfully, fairly and in a transparent manner;
- (c) To give you ways to review your marketing choices at any time; and
- (d) To keep your data for legitimate purposes.

### **4. Using or visiting the Bank’s website**

By using or visiting the Bank’s website, you shall be deemed to have accepted this Privacy Policy Statement. Should you not be agreeable to any terms or conditions of this Privacy Policy, you should immediately discontinue your access to the Bank’s website.

### **5. Changes made to the Bank’s website**

The Bank reserves its right to change the contents displayed and/or the services offered on the Bank’s website including any terms and conditions of this Privacy Policy at any given time and without any prior notice. By continuing to use or access the Bank’s website, you shall be deemed to have agreed to and accepted any changes made in this Privacy Policy. The Bank recommends that you check its website occasionally to ensure that you are happy with any changes.

For the purposes herein, all words and expressions shall have the same meaning as in the Terms and Conditions which are to be found on the Bank’s website, except where expressly stated otherwise.

## **II. Managing your personal information**

### **6. How the law protects you**

This paragraph sets out the legal basis of our use of your personal information. Along with our Privacy Promise, the law also protects you, especially through the Data Protection Act 2017.

Our data protection law specifies that the Bank is allowed to use your personal information:

- (a) for specified and legitimate purposes; or
- (b) for the performance of a contract; or
- (c) when it is our legal duty; or
- (d) for our legitimate interests or
- (e) when you consent to it.

As for your sensitive personal information, the Bank will not use or collect such data without your consent, unless the law permits us to do so. If we do so, it will only be:

- (a) to establish, exercise or defend legal claims; or
- (b) for reasons of public interest.

Sensitive personal information includes data about racial or ethnic origin, political opinion or adherence, religious beliefs, trade union memberships, health data, sexual orientation, genetic or biometric data and criminal records.

### **7. Where we gather personal information from**

This paragraph lists all the sources from which we get data which counts as part of your personal information. The information we hold about you will often come directly from you and will also depend on how you use the facilities and features on the Bank's website.

#### **(A) Data you give us and data we gather when you use our services**

The information you provide us with include the following:

- (a) Personal details (e.g. name, date of birth, other identification related information);
- (b) Contact details (e.g. postal address, phone number, email address);
- (c) Transactional details (payments and receipts data);
- (d) Financial information (Bank account number, credit and debit card numbers, account related information);
- (e) Settings and marketing choices;
- (f) Health details (e.g. to meet our regulatory obligations, including responsible lending);
- (g) Information about criminal convictions and offences (e.g. for mortgage applications).

We usually gather such information:

- (a) when you subscribe to or apply for our products and services;
- (b) when you contact us on the phone or in branch (including recorded calls);
- (c) when you use our websites or when you contact us through Viber or whatsapp;
- (d) when you write us emails;
- (e) when you fill in customer surveys and feedback forms

**(B) Data we gather when you use our Online Banking Service**

When you use our Online Banking Service – Mascareignes Direct, the data collected will generally include:

- (a) your Login ID;
- (b) password;
- (c) personally identifiable data;
- (d) the number of users;
- (e) date and time of visits;
- (f) number of pages viewed;
- (g) information downloaded

We may also gather data from the devices you use (such as computer devices and mobile phones) to connect to our internet, mobile and telephone Banking services. We also use cookies and other internet tracking software to gather data while you are using our websites and/or mobile apps. You will find more about this at Part IV.

**(C) Data we gather about you from other sources**

Such data may include:

- (a) our existing records about any other accounts you hold with us or other providers;
- (b) publicly available information about you which may be available online or otherwise;
- (c) criminal records verifications and information;
- (d) information from joint account holders;
- (e) information from persons authorised to act on your behalf;
- (f) information about you from your employer;

**8. Why do we use your personal information**

The Bank will not use or disclose any information provided by you, including information collected using cookies, other than for a purpose you would reasonably expect or, for a purpose which is required, authorised or permitted under the law, or for a purpose duly authorised by you.

Below is a list of the ways we may use your personal information and our legitimate interests for so doing. These may include:

- a) allowing us to take the necessary actions in order to provide you with the product/service;
- b) allowing us to comply with our legal duties and obligations;
- c) meeting our legitimate interests, for instance, improving our product or services to suit customer needs;
- d) using your personal information where we have your consent for so doing;
- e) using special categories of data for the purposes of legal claims or public interest.

<b>The reasons for which we use your information</b>	<b>The legitimate interests</b>
<p><b>1. To serve you as a customer</b></p> <ul style="list-style-type: none"> <li>(a) To build a good business relationship with you.</li> <li>(b) To develop and manage our marketing activities</li> <li>(c) To learn more about your preferences from how you use our products/services</li> <li>(d) To communicate with you as regards our products/services and to contact you with marketing and offers relating to products and services offered by us.</li> <li>(e) To promote effective use of the BM Online Banking Service</li> </ul>	<ul style="list-style-type: none"> <li>- To keep our records up to date</li> <li>- To improve our products and services to best suit customer needs and preferences</li> <li>- To develop new products and services</li> <li>- To personalise our products and services to you</li> <li>- To better process your instruction(s) through the Bank's Internet Banking Service</li> </ul>
<p><b>2. For improve and manage business</b></p> <ul style="list-style-type: none"> <li>(a) To test new products</li> <li>(b) To see how we can improve how we work with other companies which provide us and our customers with services</li> </ul>	<ul style="list-style-type: none"> <li>- To define the best charges for our products and services, keeping in mind the means of the customers.</li> </ul>

<p>(c) To improve corporate governance strategies</p> <p>(d) To manage our financial position</p>	<ul style="list-style-type: none"> <li>- To fulfill our legal duties and obligations and to comply with the rules and guidance of regulators.</li> </ul>
<p><b>3. To manage our operations</b></p> <p>(a) To manage and make customer payments</p> <p>(b) To manage customer accounts as regards fees, interests and charges due</p> <p>(c) To recover money or debt owed to us</p> <p>(d) To enforce other obligations we are entitled to under our contractual agreements with you</p> <p>(e) To protect ourselves from harm to our rights and proprietary interests.</p>	<ul style="list-style-type: none"> <li>- To fulfill our legal duties and obligations and to comply with the rules and guidance of regulators</li> <li>- To ensure that our business is run prudently and we are capable of recovering the debts owed to us, as well as protecting our assets.</li> </ul>
<p><b>4. To manage security, risk and crime prevention</b></p> <p>(a) To promote better risk management for us and for our customers.</p> <p>(b) To fulfill our legal duties and obligations.</p> <p>(c) To undertake checks for the purposes of security, detecting, investigating and preventing fraud, financial crimes and money laundering.</p> <p>(d) To verify your identity before providing services to you.</p>	<ul style="list-style-type: none"> <li>- Complying with our legal duties and obligations in combatting financial frauds and crimes.</li> <li>- Complying with rules and guidance from regulators.</li> </ul>

- **Special categories of personal data**

Some of the information we may collect from you is qualified as a special category of personal data which is sensitive personal data under the Data Protection Act 2017. When we process such data, we will usually do so for reasons of public interest, to establish, exercise or defend any

legal claims or in some cases, with consent. In any case, such data will always be processed by us in accordance with the Data Protection Act 2017.

## **9. Who we share your information with**

We promise to keep your information confidential but sometimes we may have to share it with third parties, who also have the obligation to keep your data secure and confidential. For instance, we may share your personal information with outside organisations such as credit card providers, insurers or tax authorities.

We do so to be able to provide you with products and services, manage our business and comply with the rules and regulations which apply to us. Below is a list of the types of organisations with which we may have to share your personal information.

- 1) **Groupe BCP:** Banque des Mascareignes is owned by Groupe BCP, hence we may have to share certain information for marketing or internal reporting purposes;
- 2) Law enforcement and fraud prevention agencies;
- 3) Independent financial advisors;
- 4) Companies with whom you request us to share your data;
- 5) Employers (for instance, for mortgage purposes);
- 6) Other financial institutions who you ask us to deal with (for instance, if you want to switch your account from Banque des Mascareignes);
- 7) Our service providers and agents (including their sub-contractors);
- 8) Anyone to whom we transfer or may transfer our rights and duties in this agreement;
- 9) Persons you have authorised to represent you (may include accountants, lawyers, financial or other professional advisers or anyone to whom you have given a power of attorney)
  
- 10) **Credit reference agencies and fraud prevention agencies:** We may share personal data about you to these agencies so they can provide us information about you. This may affect your ability to obtain credit.
  
- 11) **Companies such as Visa and MasterCard:** In case you have a debit or credit card with us, we will share transaction details with these companies which help us to provide this service.

## **10. For how long do we store your personal information**

This paragraph explains for how long we may keep your information.

We will keep your personal information for as long as you are a customer of the Banque des Mascareignes Ltée. Once our business relationship with you has come to an end or your application for a product and/or service has been declined or you no longer wish to go ahead with it, we will retain your personal data for a period of time depending on the purposes for which we hold your information.

The purposes for which we may retain your information are to:

- (a) maintain the Bank's records for analysis and/or auditing;
- (b) carry out our own product research;
- (c) comply with record retention requirements under the law;
- (d) defend or pursuing any existing/potential legal claims;
- (e) keep records of those customers no longer wishing to receive marketing from us;
- (f) deal with any complaints regarding our products and/or services;
- (g) assist with fraud monitoring;

## **11. In case you choose not to give your information**

You may choose not to provide us with your personal information. Under this paragraph, we explain the consequences this may have.

We are sometimes required by law to collect personal information or to fulfill any obligations under a contract we may have with you.

In case you choose not to provide us with your personal information, this may delay or prevent us from fulfilling any obligations under any contract we may have with you or from carrying out our statutory duties under the law. It may also mean that we might not be able to run your accounts or policies. Therefore, we may even have to cancel a product and/or service you may have with us.

In cases where we may have to ask for useful information that may not be required by law or by virtue of a contract, we will be clear when we ask for such information and you may refuse to give these extra details which will not affect the products and/or services you have with us.

## **12. How do we choose the marketing you receive**

Marketing enables us to let you know about products and/or services you might be interested in or want from us. This is how we know what to send or show you.

To be able to decide what marketing you receive, we may have to use your personal information. We shall do so only where we have your consent or where we have a legitimate interest for so doing that is, a business or commercial reason to use your personal information.

We usually gather such personal information about you from the sources listed under Paragraph 7. We study your personal information to decide on the products and/or services to offer you.

This is also known as profiling for marketing purposes. If you consent to it, we will then be able to show or send you marketing offers online through our websites, apps, email, and mobile phone or by post.

Products and/or services are offered to you according to the marketing choices that you set. You may change and/or update these at any time or ask us to stop using your information this way or to stop sending you marketing.

In case you ask us to stop collecting your data through our websites or mobile apps, you may still continue to see some marketing but it will not be tailored to you. You will continue to receive important information such as changes to your existing products and/or services.

We may also ask you to update these choices in case you subscribe to new products and/or services with us in the future or in case of changes in the law, regulation or business structure.

### **13. How we use your information for automated decisions**

Sometimes we use automated systems to take decisions about you and your money. Here, we will also tell you about your rights in challenging decisions taken this way.

The way we use personal information as regards our services may sometimes involve profiling, meaning that we may use software able to evaluate your personal aspects, predict risks and outcomes. These automated decisions include:

#### **(a) Opening accounts**

When you look forward to open an account with us, we verify that the product and/or service is relevant to you, based on the information we have and we also ensure that you or your business satisfy the conditions and/or requirements needed to open the account.

#### **(b) Pricing**

We decide our pricing strategies based on the information we have. For instance, our online calculators may help us in deciding the type of product to offer you and what price to charge you.

#### **(c) Personalising products, services, marketing and offers**

We may place you in groups with similar customers so as to be able to take decisions on information we have and design products and/or services that will best suit the needs of different categories of customers.

#### **(d) Credit assessments**

We will consider a number of factors before deciding on whether to lend you money and how you are likely to act while paying back the money you borrow. This may include considering the income you have, the payments you make and how well you have kept up with payments in the past.

**(e) Protecting you against criminal/fraudulent activity**

We will verify your account for unusual transactions to protect you against fraud. This might include not processing a payment by reason of unusual time or location which trigger alerts suggesting that there might be fraud on your account.

**(f) Detecting fraud, protecting us against criminal/fraudulent activity**

We may also use your personal information to decide on whether there is some financial crime risk in dealing with you.

As our customer, you have the rights to ask us not to make decisions based solely on automated processing. You may also object to any such decision and ask that it be reviewed by a person. For more details, please contact us using the details set out under Paragraph 22.

**14. Sending your data outside Mauritius**

We shall tell you, under this paragraph, about the safeguards we have in place to keep your personal information safe and private, in the event it is being sent outside Mauritius.

We shall send your personal information outside Mauritius in three circumstances:

- (a) to follow your instructions;
- (b) to comply with a legal duty or obligation;
- (c) to work with our suppliers and/or external providers which help us to run your accounts and/or services. We may share your personal information when cross-selling and cross-servicing the products and/or services of the Bank and/or to any third party service providers, contractors, agents who provide administrative, telecommunication, computer payment or securities clearing or other services to the Bank in connection with the operation of its business. In such cases, the Bank will require that such persons keep your information confidential.

In the event that we send your personal information to any person or entity outside Mauritius, we shall ensure that they agree to maintain equivalent levels of protection for personal data as we do. We also reassure you that in case personal information is shared in a jurisdiction not having adequate levels of protection for personal information, we shall put in place appropriate safeguards, such as contractual commitments, in accordance with the legal requirements applicable, to ensure that that your data is adequately protected outside Mauritius.

**15. Data we can share without your consent**

We are allowed to share your personal information without your consent in exceptional circumstances where it constitutes a necessary and proportionate measure in a democratic society for:

- (a) the protection of national security, defence or public security;
- (b) the prevention, investigation, detection or prosecution of an offence, including the execution of a penalty;
- (c) an objective of general public interest, including an economic or financial interest of the State;
- (d) the protection of judicial independence and judicial proceedings; or
- (e) the protection of a data subject or the rights and freedoms of others.

## **16. Your information security**

You are responsible for maintaining the confidentiality of your Login ID and Password for the Online Banking Service - Mascareignes Direct. The Bank will not be able to secure your information if you reveal your Login ID and Password to anyone. The Bank's staff/employees/agents are not authorised to ask you for your Password.

For the Online Banking Service – Mascareignes Direct, the Bank applies strict procedures to ensure that only a limited number of authorised employees within the organisation have direct access to your personal data. Transmission of data during login, registration and personal information update between the browser and server in the Online Banking Service – Mascareignes Direct is encrypted as a further protection.

All your personal data collected from the Online Banking Service- Mascareignes Direct is stored in secured repositories in our secured data centre. Only authorised employees shall have physical access to the data repositories, and in some specific cases only; they are prohibited from making any unauthorised disclosure of your personal data except where it is required by a Court Order or by law. Backups are performed to ensure that your personal data is safe against system failures. These backups are stored in a secured location.

The Bank will take reasonable care to ensure that the Bank's website is safe and secure, but no data transmission over the Internet can be guaranteed as fully secure. As such, the Bank cannot guarantee or warrant the security of any information you send to us through the Bank's website. Once the Bank receives your data, the Bank will take all reasonable steps to protect the data held in its system. However, you may contact us anytime to erase, to stop using or to restrict the use of your personal information. For more information about these, please see Paragraph 21.

## **III. Knowing your rights as regards your personal information**

## **17. Making a complaint to the Data Protection Office**

Please let us know if you are unhappy with the way we have used your personal information. Under Paragraph 22, you will find out how to contact the Bank to make a data privacy complaint.

We are committed to working with you to obtain a fair resolution of any complaint or concern about data privacy. If however, you believe that we have not been able to assist with your complaint or concern, you have the right to lodge a complaint with the Data Protection Commissioner through the Data Protection Office. Find out more on their website about how to lodge a complaint: <http://dataprotection.govmu.org>

## **18. How to withdraw your consent**

You may withdraw your consent at any time by contacting us. This may affect the way we use your personal information when our reason for doing so is that we have your consent.

In case you withdraw your consent, we may not be able to provide certain products and/or services to you. If that is the case, we will let you know.

You may also ask us to restrict the use of your personal information or to stop using your personal information altogether. For more information about this, please see paragraph 20.

## **19. If your personal information is incorrect**

You have the right to question any information we have about you that you think is wrong, inaccurate, incomplete or out of date, in which case, we shall take reasonable steps to check this for you and correct or update it.

You will be able exercise your right by contacting us through the various ways available under paragraph 22.

## **20. Getting a copy of your personal information**

You have the right to request a copy of the personal information we have gathered about you or that you have provided us with.

To do so, please contact us through one of the ways listed under paragraph 22.

## **21. If you want us to stop using or restrict the use of your personal information**

You may object to us using or keeping your personal information if there is no need for us to keep it.

We may need to keep or use your personal information for some legal or other official reasons. However, please inform us if you think we should not be using your personal information.

Sometimes we may be able to restrict the use of your personal information and if we do restrict the use of your personal information this way, we shall not use or share it in other ways while it is restricted. Restricting the use of personal information may mean that the data may only be used for specific purposes, such as to exercise legal rights.

Some of the reasons for which you may ask us to restrict the use of your personal information are because:

- It is inaccurate;
- It has not been used lawfully but you do not want us to delete it;
- It is not relevant anymore but you want us to keep it for legal claims purposes;
- You have already asked us to stop using your personal information and are waiting for a reply from us as to whether we are allowed to continue keeping it.

If you want to object to how we use your data or to ask us to erase or restrict how we use it, you may contact us through one of the ways listed under paragraph 22.

## **22. How to contact us**

Any time you have to contact us, you may please do so using one of the ways listed below:

(i) By calling in at one of the Bank's branches

(ii) By post on the following address:

Banque des Mascareignes Ltée  
Maeva Tower, 9<sup>e</sup> Etage,  
Angle Avenue Silicon Avenue et Bank Street,  
Cybercité, Ebène 72201  
Ile Maurice

(iii) By contacting us on the following numbers:

Tel: (230) 207 8600, (230) 207 1040

Fax: (230) 468 1828/468 1829

(iv) By contacting us on the following email address: [serviceclient@bm.mu](mailto:serviceclient@bm.mu)

(v) By contacting us through our online Banking system at [www.bm.mu](http://www.bm.mu)

(vi) By formulating your claim in writing to the following address [src@bm.mu](mailto:src@bm.mu) or by calling on 207 1040 to contact the Customer Relations Department, which is also available to you to handle any unresolved grievances or disagreements.

#### **IV. Use of Cookies**

The Bank's website may send you a "cookie". Cookies are small text files which get sent down to your devices accessing the Bank's website. They stay on your device and return to the website when you visit it again. The website will then recognise these cookies and therefore your device but not the individual users.

Most current browser programs can be configured to refuse, reject or delete such cookies.

These cookies help you in navigating through the pages efficiently, help us in remembering your choices and preferences and generally improving your online experience.

#### **V. Links to other sites**

The Bank's website may be linked to other websites but the Bank cannot be held liable for the privacy practices or the contents of these linked sites. The Bank advises you to read the privacy practices of those linked sites and determine whether or not you wish to access them.

#### **VI. Governing law and Jurisdiction**

This statement shall be governed by the laws of the Republic of Mauritius. The Courts of the Republic of Mauritius shall have exclusive jurisdiction with respect to the resolution or determination of any dispute you may have with the Bank concerning your account, the Online Banking Service – Mascareignes Direct or any other services provided by the Bank. By making use of the Online Banking Service – Mascareignes Direct, you submit to the jurisdiction of the Mauritian Courts in this respect.