

HSBC Privacy Code

Everything you need to know about the security and privacy of your personal information at HSBC

Table of contents

| | |
|---|-----------|
| Protecting Personal Information | 1 |
| Scope | 1 |
| Basis of the Ten Privacy Principles of HSBC | 1 |
| Summary of the Ten Privacy Principles of HSBC | 2 |
| Definitions | 3 |
| HSBC's Ten Privacy Principles | 5 |
| Principle 1 – Accountability | 5 |
| Principle 2 – Identifying the Purposes for Collecting, Using and Sharing Personal Information | 5 |
| Principle 3 – Consent | 6 |
| Principle 4 – Limits to the Collection of Personal Information | 8 |
| Principle 5 – Limits to the Use, Disclosure and Retention of Personal Information | 8 |
| Principle 6 – Accuracy | 10 |
| Principle 7 – Safety and Security | 10 |
| Principle 8 – Openness | 11 |
| Principle 9 – Individual Access | 12 |
| Principle 10 – Handling Inquiries and Challenges | 14 |
| Appendix to the HSBC Privacy Code | 15 |

Protecting Personal Information

HSBC Bank Canada has always been committed to providing the highest level of security and privacy for personal information about current, past and prospective customers and other identifiable individuals that comes into its possession or custody.

Scope

This Privacy Code contains ten principles that are to be adhered to by HSBC Bank Canada and its subsidiaries in Canada (hereinafter “HSBC”) regarding the collection, use and disclosure of information about any identifiable individual.

Specific information that has been rendered anonymous by the removal of information that would identify a specific customer or individual is not subject to this code.

Basis of the Ten Privacy Principles of HSBC

This Privacy Code complies with the requirements of the Personal Information Protection and Electronic Documents Act, which was enacted by Parliament in April 2000, and is also consistent with the long-standing common law rules governing duties of confidentiality.

This Privacy Code also complies with provincial legislation as it applies to HSBC in Canada (see listing below) including: Quebec’s Act *Respecting the Protection of Personal Information in the Private Sector*; and British Columbia and Alberta’s *Personal Information Protection Acts*.

Summary of the Ten Privacy Principles of HSBC

Principle 1 – Accountability

HSBC is responsible for all personal information under its control and its Privacy Officer is accountable for the compliance of HSBC with the principles described in this Privacy Code.

Principle 2 – Identifying the Purposes for Collecting Personal Information

HSBC will identify and document the purposes for which personal information is collected at or before the time the information is collected.

Principle 3 – Consent

HSBC requires an individual's knowledge and consent (express or implied) for the collection, use or disclosure of personal information, except as otherwise required or permitted by law.

Principle 4 – Limits to the Collection of Personal Information

HSBC will limit the amount and type of personal information collected to that which is necessary for its purposes. It will collect personal information by fair and lawful means.

Principle 5 – Limits to the Use, Disclosure and Retention of Personal Information

HSBC will not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes, except as otherwise required by law.

Principle 6 – Accuracy

HSBC will keep personal information as accurate, complete, and up-to-date as necessary for its purposes.

Principle 7 – Safety and Security

HSBC will protect personal information with safeguards appropriate to the sensitivity of the information.

Principle 8 – Openness

HSBC will be open about its policies and procedures regarding management of personal information. HSBC will ensure that individuals are reasonably able to acquire information about the policies and procedures of HSBC and will make this information available in a form that is generally understandable.

Principle 9 – Individual Access

Upon request in writing, HSBC will inform an individual of the existence, use, and disclosure of his or her personal information and will provide access to that information, except where the law requires or permits HSBC to deny access.

Principle 10 – Handling Inquiries and Challenges

An individual will be able to direct a challenge concerning compliance with the above principles to the Privacy Officer of HSBC.

Definitions

For the purposes of this Privacy Code:

HSBC

Means HSBC Bank Canada and its subsidiaries, including:

- HSBC Capital (Canada) Inc.
- HSBC Securities (Canada) Inc.†
- HSBC InvestDirect†
- HSBC Trust Company (Canada)
- HSBC Mortgage Corporation (Canada)
- HSBC Global Asset Management (Canada) Limited
- HSBC Investment Funds (Canada) Inc.
- HSBC Insurance Agency (Canada) Inc.
- HSBC Financial Corporation Limited and its subsidiaries, including:
 - HSBC Finance Mortgages Inc.
 - HSBC Finance Corporation Canada
 - HSBC Retail Services Limited
 - Household Trust Company

Affiliate

Any entity of which HSBC Holdings plc holds, directly or indirectly, a 50% or greater share, and all members of the HSBC Group.

Collection

Gathering, receiving or obtaining personal information from any source outside HSBC, by any means.

Customer

A person who uses, or applies to use, financial services.

Direct Marketing

Promotions targeted to current, past or prospective customers whose personal information indicates that a certain product may be of interest to them. Includes mail, e-mail or telephone sales initiatives. Does not include regular statements, messages from banking machines, announcements on electronic bulletin boards or on websites, communications through personal bankers or customer relationship managers, or notices sent directly to customers to satisfy regulatory requirements.

Disclosure

Making known or revealing personal information to any source outside HSBC by any means.

Financial Services

Includes but is not limited to:

- acting as a financial agent;
- providing investment counselling, financial planning and portfolio management, including administration of securities, bonds, certificates and items deposited for safekeeping;
- issuing payment, credit or charge cards, and, in cooperation with others, including other financial institutions, operating a payment, credit or charge card plan;
- acting as a custodian of property;
- acting as a receiver, liquidator or sequestrator;
- acting as a trustee, corporate executor or agent for executor;
- providing current account, overdraft and other lending facilities, and the maintenance of related accounts;
- automated teller facilities, telephone and internet services;
- financial and other advice to account holders;
- services as an intermediary in respect of financial transactions;
- management of investments in securities, options, futures, commodities, property, currencies and the like;
- services connected with capital issues, the sale of securities, takeovers and mergers; and,
- all other services the law permits HSBC to provide.

Personal Information

Means any information about an identifiable individual, whether it was collected before or after publication of the Privacy Code. It may include, but is not limited to, an individual's name, address, e-mail address, date of birth, gender, identification numbers, income, employment, assets, liabilities, source of funds, payment records, personal references, investment objectives, financial plans, credit reports and, other finance-related information. It may also include habits, personality, travel or movement details, lifestyle, leisure activities, qualification and skills, and career history.

It is unlikely that HSBC holds information from all of the above categories on any specific customer or identified individual.

Third Party

An individual or organization outside HSBC, including an affiliate.

Use

The treatment, handling and management of personal information by and within HSBC.

HSBC's Ten Privacy Principles

Principle 1 – Accountability

HSBC is responsible for all personal information under its control, and its Privacy Officer is accountable for the compliance of HSBC with the principles described in this Privacy Code.

The HSBC Privacy Officer may be contacted at:

HSBC
Attention: Privacy Officer
4th Floor, 885 West Georgia Street
Vancouver BC, V6C 3E9
Telephone: 1-866-373-2738 Fax: 604-647-2758
E-mail: privacy_officer@hsbc.ca

- 1.1 HSBC is responsible not only for personal information within its physical possession, but also that which HSBC transfers to a third party for processing. HSBC will enter into contracts with these third parties to ensure a comparable level of protection is in place while the personal information is being processed.
- 1.2 HSBC has established and implemented:
 - procedures to protect personal information;
 - procedures to receive and respond to complaints and inquiries;
 - staff training and information programs to explain this Code and related privacy policies and practices;
 - practices to ensure that customers and other individuals who contact HSBC offices or visit an HSBC website have access to this Privacy Code and literature explaining the policies and procedures of HSBC.
- 1.3 The Privacy Officer is entitled to delegate day-to-day responsibility for administration of this Privacy Code and related privacy policies and practices to other employees, but the Privacy Officer remains accountable under this principle.
- 1.4 Upon request, HSBC will disclose the name of the current Privacy Officer.

Principle 2 – Identifying the Purposes for Collecting, Using and Sharing Personal Information

HSBC will identify and document the purposes for which personal information is collected, used and shared at or before the time the information is collected.

- 2.1 Depending on the specific circumstances, HSBC may collect, use and share personal information for one or more of the following purposes:
 - evaluate your application for products and services;
 - open, operate and collect on your account(s);
 - provide ongoing service to you as a customer;
 - evaluate the current and future needs of our customers and to help manage our business;
 - honour your privacy choices;
 - maintain the accuracy and integrity of the credit reporting system;
 - verify your identity;
 - meet legal and regulatory requirements;
 - conduct our internal audit (including security) functions – these functions allow us to monitor our systems and processes. This helps protect you and us from fraud, identity theft and unauthorized access to your accounts;
 - conduct statistical and record keeping operations.

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- 2.2 When HSBC and the customer establish a relationship, HSBC will ensure that the purposes for which personal information is collected, used and disclosed are identified and documented. Thereafter, HSBC will collect only personal information that is required for the purposes identified.
 - 2.3 Circumstances may arise where HSBC wishes to use or disclose personal information for a new purpose. HSBC will ensure that personal information is not used or disclosed for that new purpose, unless the individual is informed of the new purpose and gives his or her consent. HSBC will ensure that any customers' questions about the purpose of collecting, using or disclosing personal information are candidly and clearly answered.
 - 2.4 The methods used to notify individuals of the proposed purposes for which personal information is collected, used or disclosed may include:
 - telephone,
 - face-to-face,
 - written,
 - electronic (e-mail) or,
 - any other applicable method for communicating with individuals.
 - 2.5 HSBC will take special care to explain purposes for obtaining personal information which may not be familiar or obvious to the individual.

Principle 3 – Consent

HSBC requires an individual's knowledge and consent (express or implied) for the collection, use or disclosure of personal information, except as otherwise required or permitted by law.

Obtaining consent

- 3.1 Except where limited exceptions apply, HSBC will always make a reasonable effort to ensure that the individual is advised in advance of the purposes for which his or her personal information will be collected, used or disclosed. To make the individual's consent meaningful, HSBC will state the purposes clearly and candidly, so that the individual can reasonably understand how the information will be used or disclosed.
- 3.2 HSBC will only require an individual to consent to the collection, use or disclosure of personal information that is necessary to fulfill explicitly specified and legitimate purposes.
- 3.3 When establishing a relationship with an individual, HSBC will obtain express consent for the proposed collection, use and disclosure of personal information concerning that individual. In the case of a corporate customer, HSBC will obtain such consents from each individual officer, director or employee of the corporate customer whose personal information is to be collected, used or disclosed. (Note: the name, title, business address, and business telephone number of an employee is not "personal information").
- 3.4 If HSBC wishes to use personal information to market products and services to its customers, HSBC will obtain the consent of the customer before proceeding.
- 3.5 When a customer applies for a product or service and provides personal information, HSBC will be able to:
 - tell the customer that the personal information may be used by HSBC Bank Canada or its subsidiaries or affiliates to market other products and services to the customer;
 - describe the types of products or services that might be marketed to the customer;
 - ask the customer for consent, telling him or her that this use of personal information is optional.

Consent will be clear and convenient

- 3.6 The forms used to obtain written consent will clearly identify the purposes for the collection, use and disclosure of that individual's personal information. The customer's signature will be located in close proximity to information about the customer's privacy choices. In addition, individuals will have the opportunity to "opt out" of certain collection, use or disclosure purposes.
- 3.7 HSBC employees involved in obtaining the signed consent of individuals to the collection, use or disclosure of their personal information will be adequately trained to explain the nature and scope of the consent sought by HSBC. HSBC will answer all questions about its purposes.
- 3.8 With respect to personal information collected before publication of the Privacy Code, HSBC will make reasonable efforts to ensure that each individual customer who has not already expressly indicated his or her consent by signing a written consent form is invited to communicate with HSBC in order to discuss the future collection, use and disclosure of their personal information.
- 3.9 HSBC will post this Privacy Code on a website and provide a hypertext link, which will permit an individual to communicate directly with the Privacy Officer on issues concerning consent for collection, use or disclosure of personal information.
- 3.10 An individual may withdraw his or her consent to collection, use or disclosure at any time, subject to legal or contractual restrictions and reasonable notice. HSBC will inform the individual of the implications of such withdrawal of consent for the continued provision of financial services.
- 3.11 HSBC will not obtain consent by deception.

Defining express and implied consent

- 3.12 As noted above, an individual's consent may be express or implied depending upon the circumstances and any applicable legal requirements, and may be communicated to HSBC by an authorized representative, such as a legal guardian or a person with a power of attorney. Express consent may be signified to HSBC face to face, over the telephone, by e-mail, facsimile, or otherwise in writing. Implied consent may arise through action or inaction on the part of the individual.
- 3.13 In some situations, HSBC may advise individuals of the potential for implied consent should they not provide information to the contrary. In this event, HSBC will provide these individuals with a convenient method of communicating their wishes. This may take the form of e-mail, voice-messaging or other communication channels that provide 24-hour access. In some cases, a "check-off box" may be included on HSBC application forms relating to certain financial services. If the applicant has not marked the "check-off box," HSBC will be entitled to assume consent.
- 3.14 Whatever mechanism HSBC employs to seek express consent, it will fairly and reasonably draw the individual's attention to the issue associated with the consent.

Use of Social Insurance Numbers

- 3.15 The government requires HSBC to record a customer's social insurance number, if the customer has any accounts that earn interest that must be reported for tax purposes, or if the customer purchases products such as a registered retirement savings plan or a registered retirement income fund.
- 3.16 In addition, HSBC may ask for an individual's consent to collect, use and share his or her SIN for the additional purposes of meeting legal and regulatory requirements, collections, and for internal audit

(including security), statistical, and record keeping purposes. An individual may at any time refuse or withdraw his or her consent to the use of his or her SIN for these additional purposes and this will not affect his or her eligibility for products or services.

Withdrawing consent

- 3.17 In order to provide customers with products and services, it is necessary for HSBC to be able to collect, use and disclose the customer's personal information for certain clearly identified purposes. HSBC obtains this consent during the application process. If the customer chooses not to consent to these uses of their personal information, HSBC will explain the consequences of this refusal to the customer. For example, if the customer refuses their consent to a credit check, HSBC may not be able to offer the customer products for which credit worthiness is relevant. HSBC must share credit information with credit bureaus and other lenders in order to ensure the integrity of the credit approval process. As a result, the customer cannot withdraw their consent to this sharing of information, once the customer has a product with HSBC for which credit worthiness is relevant.
- 3.18 If a customer notifies HSBC that he or she is withdrawing consent for the continued collection, use or disclosure of personal information, HSBC may respond in an effort to determine the reasons for withdrawal of consent and to ensure that the customer has correct and complete information about the purpose of HSBC.

Limited exceptions

- 3.19 For limited exceptions relating to consent for collection, use or disclosure of personal information, please see the Appendix.

Principle 4 – Limits to the Collection of Personal Information

HSBC will limit the amount and type of personal information collected to that which is necessary for its purposes. It will collect personal information by fair and lawful means.

- 4.1 HSBC will specify the type of information collected as part of the information handling policies and practices of HSBC.
- 4.2 Although HSBC will collect personal information primarily from the individuals concerned, HSBC may also, with the individual's consent, collect information from external sources such as credit reporting agencies, credit grantors and income sources and personal references identified to HSBC for this purpose. If personal information is collected from a third party, HSBC will identify that party, unless there is a lawful reason for not doing so.

Principle 5 – Limits to the Use, Disclosure and Retention of Personal Information

HSBC will not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes, except as otherwise required by law.

- 5.1 Personal information that HSBC has used to make a decision about an individual will be retained long enough to allow the individual reasonable access to the information, after the decision has been made.
- 5.2 HSBC maintains guidelines for the retention of an individual's personal information and will retain it only as long as necessary for the identified purposes or to meet legal requirements or policies.

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- 5.3 HSBC will destroy, or make anonymous by removing identifiable information, any personal information no longer needed for its stated purposes or for legal requirements or policies.
- 5.4 The policies and procedures of HSBC dictate how HSBC will destroy personal information to prevent unauthorized access.

Disclosure to government institutions

- 5.5 In circumstances where HSBC discloses information to a government institution that has identified its lawful authority to obtain the information, HSBC will first verify that the government institution is entitled to compel such disclosure and, in any event, will take reasonable care to ensure that only the personal information that is legally required, and nothing more, is provided to the institution. HSBC will disclose personal information to a government institution only where an official request has been received.
- 5.6 Special rules under the *Personal Information Protection and Electronic Documents Act* apply if HSBC has disclosed personal information to a government institution or part of a government institution in the following circumstances:
1. in order to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records; or
 2. to respond to a request for information made by a government institution that has identified its lawful authority to obtain the information and indicated that:
 - (i) it suspects that the information relates to national security, the defence of Canada or the conduct of international affairs;
 - (ii) the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or
 3. The disclosure was made on the initiative of HSBC to an investigative body, government institution or a part of a government institution and HSBC:
 - (i) has reasonable grounds to believe that the information relates to a breach of an agreement or a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, or
 - (ii) suspects that the information relates to national security, the defence of Canada or the conduct of international affairs.
- 5.7 In certain circumstances, HSBC may be ordered by a court in Canada to disclose personal information to a third party or to the court, or to preserve personal information pending the outcome of a legal hearing. In such circumstances, HSBC will verify the legitimacy of the court order and will take reasonable care to ensure that only the personal information that is required by the court order, and nothing more, is disclosed.

Use of Agents

- 5.8 HSBC may use the services of any financial institution or other reliable third party of its choice as its agent or service provider in connection with the provision of data processing or other services. In particular, HSBC may use other HSBC Group companies and/or third parties in Canada and in other countries to process Personal Information on its behalf. As a result, Personal Information may be accessed under the laws of Canada or such other countries to which the information has been transferred. Whenever Personal

Information is transferred to an agent or service provider, HSBC will require that they protect the Personal Information to the standards of confidentiality and security adhered to by all members of the HSBC Group. For further information about the policies and practices of HSBC with respect to the use of service providers outside Canada, or for enquiries regarding collection, use or disclosure of personal information by such service providers, please contact the HSBC Privacy Officer at the address and phone number provided herein.

Business Transactions

- 5.9 If HSBC plans to enter into a business transaction or enters into a business transaction involving the purchase, sale, lease, merger or amalgamation of a business, it may collect, use or disclose personal information to facilitate the negotiation or completion of the transaction. In this case, HSBC will only disclose personal information that relates directly to the part of the organization or its business assets that is covered by the business transaction. In addition, HSBC will impose appropriate conditions on the use of the personal information by the party to whom the information is being transferred.

Use of Cookies

- 5.10 HSBC Websites may use persistent cookies as a means of collecting non sensitive information on general website usage. These cookies are not designed to identify the customer personally and the information they gather is used only to guide improvements in navigation, enhance content and provide a means for us to ensure that our websites continue to meet site users' needs. These cookies are not used for any promotional purposes. If the customer would like to browse these websites they may do so without accepting cookies.

Recording of Telephone Calls

- 5.11 Telephone calls to and from HSBC may be recorded for quality assurance and as a record of the information exchanged.

Principle 6 – Accuracy

HSBC will keep personal information as accurate, complete, and up-to-date as necessary for its purposes.

- 6.1 HSBC will make reasonable efforts to keep the personal information that is used on an ongoing basis – including information that is disclosed to third parties – accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.
- 6.2 HSBC will generally rely on individual customers to provide updated information, such as changes to customer addresses and other contact information.
- 6.3 If a customer successfully demonstrates to HSBC that personal information is inaccurate, incomplete, out of date, or irrelevant, HSBC will revise or annotate the personal information. If necessary, HSBC will disclose the revised or annotated personal information to appropriate third parties as required.

Principle 7 – Safety and Security

HSBC will protect personal information with safeguards appropriate to the sensitivity of the information.

- 7.1 HSBC employs security safeguards to protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. HSBC will protect personal information regardless of the format in which it is held.

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- 7.2 The nature of these safeguards will vary depending on the sensitivity of the personal information that has been collected, the amount, distribution, and format of the information, and the method of storage.
- 7.3 The methods used to safeguard personal information will include:
- physical measures, including locked filing cabinets and restricted access to offices;
 - organizational measures, such as security clearances and limiting access on a “need to know” basis; and/or,
 - technological measures, such as the use of passwords and encryption.
- 7.4 HSBC will inform employees about the policies and procedures of HSBC for protecting customers’ personal information and will emphasize the importance of complying with them. As a condition of employment, employees will be required to conform to the policies and procedures of HSBC concerning the security of personal information.
- 7.5 When HSBC discloses personal information to third parties for cheque printing, data processing services, debt collection, market research, or for other goods and services, HSBC will require these third parties to ensure the information is used only for authorized purposes. In addition, the third parties must ensure a method of safeguarding that is consistent with the measures and compliant of HSBC with the *Personal Information Protection and Electronic Documents Act*.
- 7.6 HSBC may disclose personal information to businesses such as credit bureaus, credit insurers and lenders with the customer’s consent. HSBC will rely on the protection of credit reporting legislation to ensure that credit bureaus protect personal information.
- 7.7 HSBC will use care in the disposal or destruction of personal information in order to prevent unauthorized access.

Principle 8 – Openness

HSBC will be open about its policies and procedures regarding management of personal information. HSBC will ensure that individuals are reasonably able to acquire information about the policies and procedures of HSBC and will make this information available in a form that is generally understandable.

- 8.1 Copies of this Privacy Code will be made available upon request.
- 8.2 Other information HSBC will make available includes:
- the name of the Privacy Officer and contact information;
 - the means of gaining access to personal information held by HSBC;
 - a description of the type of personal information HSBC holds, including a general account of its HSBC use;
 - a copy of each brochure or other information that explains HSBC’s policies, standards, or codes; and,
 - a description of the type of personal information that is made available to subsidiaries or affiliates of HSBC.
- 8.3 HSBC will publish information concerning the Privacy Code and HSBC’s privacy policies and procedures on its websites.

Principle 9 – Individual Access

Upon request in writing, HSBC will inform an individual of the existence, use, and disclosure of his or her personal information and will provide access to that information, except where the law requires or permits HSBC to deny access.

Inquiries and requests

- 9.1 HSBC will assist any individual who asks for help in preparing a request to the organization.
- 9.2 In some situations, HSBC may require an individual to provide details in order to locate specific personal information requested.
- 9.3 HSBC will provide personal information to a customer in a form that is easy to understand, providing explanations for abbreviations and codes.
- 9.4 HSBC will respond to all requests within 30 days. HSBC may extend the time limit for a further thirty days if:
 - meeting the time limit would unreasonably interfere with the activities of HSBC; or,
 - the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet.

Time Limit Extensions and Costs

- 9.5 In either of the above cases, HSBC will – no later than 30 days after the date of the request – send a notice of extension to the individual, advising them of:
 - the new time limit;
 - the reasons for extending the time limit; and,
 - their right to make a complaint to the federal Privacy Commissioner in regard to the extension.
- 9.6 HSBC will also extend the time limit for the amount of time necessary to be able to convert the personal information into a format that allows a person with a sensory disability to read or listen to the personal information.
- 9.7 In the case of some HSBC subsidiaries or affiliates, the protection of personal information is subject to provincial law. In these instances, HSBC will direct the individual to the appropriate channels for inquiry or complaint.
- 9.8 HSBC may charge for responding to a request. This will occur only if:
 - HSBC has informed the individual of the approximate cost; and,
 - the individual agrees to proceed with the request.

Refusal of a Request

- 9.9 Where HSBC must refuse a request, HSBC will advise the individual in writing with an explanation for the refusal and information about the recourse available, namely:
 - filing a written complaint with the federal Privacy Commissioner within six months of the refusal of access to the personal information; and/or,
 - applying to the Federal Court for a hearing on any aspect of the complaint within 45 days after the Federal Privacy Commissioner's report is sent.

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- 9.10 As required or permitted by the *Personal Information Protection and Electronic Documents Act*, HSBC may deny an individual access to his or her personal information where:
- the information is protected by solicitor-client privilege;
 - to do so would reveal confidential commercial information;
 - to do so could potentially threaten the life or security of another individual;
 - the information was collected without the knowledge or consent of the individual in order to protect its availability or accuracy in the event (or investigation) of a breach of agreement or contravention of federal or provincial law; or,
 - the information was generated in the course of a formal dispute resolution process.
- 9.11 HSBC will not apply these exemptions if the individual needs the information because another individual's life, health or security is threatened.
- 9.12 Further, where HSBC is entitled to withhold access to personal information because access could threaten another person's life or security, or would reveal confidential commercial information, and that information can be separated from other information for which access is requested, HSBC will provide access to an edited copy of the personal information after removing such information.
- 9.13 HSBC will not give an individual access to personal information if doing so would reveal personal information about another person, unless the information can be removed, in which case the remaining information will be provided.

Third Parties

- 9.14 In providing an account of third parties to which HSBC has disclosed personal information about an individual, HSBC will attempt to be as specific as possible. Note: where it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, HSBC will provide a list of organizations to whom it may have disclosed information about the individual.
- 9.15 HSBC will attempt to identify:
- from whom it collected personal information;
 - to whom it provided personal information; and
 - how and when the information was disclosed.
- 9.16 HSBC will take this information from its records, and will provide it to the customer in a form that is easy to understand, providing explanations for abbreviations and codes.
- 9.17 HSBC will not record in customers' individual files when personal information was disclosed to third parties for routine purposes. For example:
- cheque printing and other services for HSBC;
 - reporting to Revenue Canada (T5 and other reports);
 - regular updating of credit information to credit bureaus; or,
 - indicating to third parties when cheques are returned for not sufficient funds.

Disclosure to government institutions

- 9.18 Where HSBC is required to disclose personal information to a governmental or regulatory institution or to a third party by court order, HSBC is not permitted to inform the individual about the disclosure of his or her

information to a government institution or part of a government institution, nor is HSBC entitled to inform the individual about any such disclosure, without first following the procedure discussed immediately below.

- 9.19 The procedure is that HSBC must, in writing and without delay, notify the government institution about the individual's request, and must not respond to the individual before:
- the government institution advises whether or not it objects to HSBC complying with the individual's request; or,
 - thirty days have lapsed since HSBC notified the government institution of the individual's request.
- 9.20 Where the government institution objects to HSBC complying with the individual's request, pursuant to the *Personal Information Protection and Electronic Documents Act*, HSBC must:
- refuse the request; and
 - notify the federal Privacy Commissioner without delay of the refusal; and
 - must not disclose to the individual any information HSBC has relating to a disclosure to the government institution; or,
 - that the organization has notified the government institution; or,
 - that the government institution has objected to disclosure.

Challenges

- 9.21 If HSBC denies the customer's request for access to personal information, HSBC will tell the customer why. The customer may then challenge the decision.
- 9.22 A customer may challenge the cost of obtaining personal information.
- 9.23 A customer may also challenge the accuracy and completeness of the personal information collected, used or disclosed by HSBC. Should an individual successfully demonstrate the inaccuracy or incompleteness of personal information, HSBC will amend the information as required. Depending on the nature of the information challenged, the amendment may involve the correction, deletion or addition of information. Where appropriate, HSBC will forward the amended information to third parties that have been given the information in question.

Principle 10 – Handling Inquiries and Challenges

An individual will be able to direct a challenge concerning compliance with the above principles to the Privacy Officer of HSBC.

- 10.1 HSBC will establish procedures to receive and respond to inquiries or challenges to its policies and practices relating to the handling of personal information. These procedures will be easily accessible and simple to use.
- 10.2 HSBC will inform customers of these procedures through brochures or other documents, which will be readily available and easy to understand. The complaint resolution process will be explained, and contact information for customers will be provided.
- 10.3 HSBC will investigate all complaints. If HSBC finds that a complaint is justified, it will take appropriate measures, including, if necessary, amending its policies and practices.
- 10.4 In the case of some HSBC subsidiaries or affiliates, the protection of personal information is subject to provincial law. In these instances, HSBC will direct the individual to the appropriate channels for inquiry or complaint.

Appendix to the HSBC Privacy Code

Limited exceptions relating to consent for collection, use or disclosure of personal information:

Collection

In addition to legislative requirements and other statutory instruments concerning the collection of personal information, the federal *Personal Information Protection and Electronic Documents Act* authorizes HSBC to collect personal information without the knowledge or consent of the individual where:

- 1) collection of the personal information is clearly in the interests of the individual and consent cannot be obtained in a timely way;
- 2) it is reasonable to expect that collection of the personal information with the knowledge or consent of the individual would compromise the availability or accuracy of the information and the collection is reasonable for purposes of investigating a breach of an agreement or a contravention of federal or provincial law; or,
- 3) the information is publicly available and is specified by regulations issued by federal legislation.

Use

Further, the *Personal Information Protection and Electronic Documents Act* authorizes HSBC to use personal information, without the knowledge or consent of the individual, in circumstances where:

- 1) the personal information was originally collected without consent, express or implied, and collection was clearly in the interests of the individual, and consent could not be obtained in a timely way;
- 2) the information was originally collected without consent, express or implied, in circumstances where collection with the knowledge and consent of the individual would compromise the availability or accuracy of the information, and the collection was reasonable for the purposes of investigating a breach of an agreement or a contravention of federal or provincial law;
- 3) HSBC has reasonable grounds to believe the information could be useful in the investigation of a contravention of federal, provincial or foreign law, that has been, is being, or is about to be committed, and the information is used for the purpose of investigating that contravention;
- 4) the information is used for the purpose of responding to an emergency that threatens the life, health or security of an individual;
- 5) the information is used for statistical study or research purposes that cannot be achieved without using the information, its confidentiality is preserved, it is impracticable to obtain consent, and the federal Privacy Commissioner is given advance notice of such use; or,
- 6) the information is publicly available and is specified by the regulations.

Disclosure

The *Personal Information Protection and Electronic Documents Act* authorizes HSBC to disclose personal information without the knowledge or consent of the individual if such disclosure:

- 1) is made, within the Province of Quebec, to an advocate or notary or, in any other province, a barrister or solicitor who is representing HSBC;
- 2) is for the purpose of collecting a debt owed by the individual to HSBC;

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- 3) is required to comply with a subpoena or warrant issued, or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records;
 - 4) is made to a government institution that has identified its lawful authority to obtain the information, and which has indicated (i) it suspects the information relates to national security, the defence of Canada, or the conduct of international affairs, or (ii) disclosure is requested for the enforcement of federal, provincial or foreign law, carrying out an investigation relating to such enforcement, or gathering intelligence for the purpose of such enforcement, or (iii) disclosure is requested for the purpose of administering a federal or provincial law;
 - 5) is made to an investigative body or government institution on the initiative of HSBC, and relates to a breach of an agreement or a contravention of federal, provincial or foreign law; or where HSBC suspects the information relates to national security, the defence of Canada, or the conduct of international affairs, and the information relates to a federal or provincial offence that has been or is about to be committed, or to activities suspected of constituting threats to the security of Canada;
 - 6) is made to someone who needs the information because of an emergency that threatens the life, health or security of an individual;
 - 7) is made for statistical or scholarly study or research, purposes that cannot be achieved without disclosure, it is impractical to obtain consent, and HSBC informs the Privacy Commissioner before the information is disclosed;
 - 8) is made to an institution whose functions include the conservation of records of historic or archival importance and disclosure is necessary for the purpose of such conservation;
 - 9) is made twenty years after the death of the individual the information is about, or one hundred years after the record containing the information was created, whichever is earlier;
 - 10) is made by an investigative body and is reasonable for purposes related to investigating a breach of an agreement or a contravention of federal or provincial law; or, is required by law.

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