



澳門特別行政區政府
Governo da Região Administrativa Especial de Macau
個人資料保護辦公室
Gabinete para a Protecção de Dados Pessoais

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Authorization

No. 02/A/2013/GPDP

Subject: Transfer of personal data of its customers and the data subjects of the blacklist system from the DBS Bank (HONG KONG) Limited in the MSAR to the DBS Bank (Hong Kong) Limited in the HKSAR through combination

Regarding the transfer of personal data of its customers and the data subjects of its blacklist system, through international private leased line, from the DBS Bank (Hong Kong) Limited in the MSAR (hereinafter as the Macao DBS) to the DBS Bank (Hong Kong) Limited in the HKSAR (hereinafter as the Hong Kong DBS), the Macao DBS, during 2007, applied for an authorization of personal data combination. In 2008, the Office for Personal Data Protection (GPDP) issued Authorization 02/A/2008/GPDP for the said application. The Macao DBS submitted the data to the GPDP in 2012, informing its new combination operations that involve using the information systems owned by the DBS Bank Ltd in Singapore. Therefore, the Macao DBS requested the GPDP to review or issue a new authorization for Authorization 02/A/2008/GPDP. After analyzing, the rights to increase or change the physical location of the said systems, as well as the processing of personal data, lies with the Hong Kong DBS. Although the relevant changes do not actually alter the main content under Authorization 02/A/2008/GPDP, the involved combination security should be analyzed and reviewed.

Pursuant to the Administrative Order 21/2003, the Macao DBS, established in the MSAR, is a branch of the Hong Kong DBS.

According to the Notification of the Policies for Macao Business Data of the DBS Group (hereinafter as the Notification Document), Hong Kong DBS is a member of DBS Group Holdings Ltd (hereinafter known as the DBS Group).

Based on the data provided by the Macao DBS, the personal data of customers and the data subjects of the blacklist system, through combination, were transferred to the Hong Kong DBS, so that the latter could further process the data, which would be later provided for data analysis by the authorized persons of the DBS Group. To this, the information system of the Hong Kong DBS, in the HKSAR, will connect to the information systems of other DBS Group members that are located in Singapore and the Mainland of China, through international leased lines. In other words, for connection, the database of the Macao DBS is connected to its database in the Hong Kong DBS, in addition that the latter



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is further connected to the DBS Group Members' databases through international leased line, these are regarded as the personal data combination as laid down by Article 4(1)(10) of the Personal Data Protection Act (PDPA). However, the database connection or the data combination by any other means between the Hong Kong DBS and the Group Member information systems in Singapore and the Mainland of China, or changing the physical location of the Hong Kong DBS information system from Hong Kong to other countries or regions, denotes that the involved data processing is not taking place in the MSAR, as well as no data controllers in the MSAR are involved, therefore these are out of the regulation of the GPDP. The GPDP will only analyze the data combination between the databases of the Macao DBS and the Hong Kong DBS.

The types of data for combination are mainly the customer data (mainly refers to the customers' ID data, transaction records and account data), specifically including the customers' number and copy of the MSAR ID, the number and copy of the HKSAR ID and Mainland IDs, the number and the copy of the passports of the Mainland of China and other countries, as well as the customers' name, address, age, date of birth, nationality, marital status, contact number, bank account number and occupation. The personal data of the data subjects in the blacklist system mainly consists of the data that have been published in the Court Notices of Macao. Specifically, the personal data of those as published includes the name, gender, place of birth, nationality, age or date of birth, credit and repayment ability, the type of identification document, as well as the number and place of issue.

The types of data that the Macao DBS applied for combination with the Hong Kong DBS, according to Article 4(1)(1) of the PDPA, include information of the identified or identifiable natural persons, which is considered as personal data. Therefore, according to Article 3(1) *idem*, the relevant data processing shall comply with the PDPA.

Based on its operational needs, the Macao DBS, through leased line, transferred the mentioned types of personal data to the Hong Kong DBS, so that the latter could provide information to the DBS Group for its specific business purposes, which is in line with Article 5 of the PDPA, denoting that the combination is legal and for legitimate purposes.

According to the Notification Document, provided by the Macao DBS, customers have been informed for what kind of purposes their personal data would be disclosed to the DBS Group, even if its members are having their business outside the MSAR. Macao DBS customers have been informed of this arrangement and also signed to agree, this did not discriminate or reduce the rights, freedom and safeguards of the data subjects.

Regarding the transfer of the personal data of the data subjects of the blacklist system, by combination, although this data is collected from the Court Notices that have been published, it has to consider whether data as such is relevant to the Macao DBS's



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businesses. Otherwise, this would violate the processing nature and other general principles of personal data processing (see Articles 2 and 5 of the PDPA).

The mentioned personal data, related to the credit and repayment ability of the data subjects, that was collected through public channels, for example, the execution proceedings defendants' personal data from the Court Notices published, is relevant to the businesses of the Macao DBS, and was on the grounds of lawfulness and appropriate purposes. In principle, combining the data collected from court notices should also ensure the right to information of the data subjects. Since the relevant data was collected from public channels, and in the present case it is not feasible to inform the involved persons according to Article 10(5)(3) of the PDPA, the obligation to provide information to the data subjects of the blacklist system may be waived. However, the Macao DBS shall inform the GPDP regarding the processing of personal data of the data subjects in the blacklist system. In this case, the Macao DBS has made notification regarding the above mentioned data processing, hence it does not cause any discrimination or reduction of the rights, freedom and safeguards of the data subjects.

With regard to the transfer of personal data of the customers and the data subjects of the blacklist system, through combination between the Macao DBS and the Hong Kong DBS, in the information safety aspect, corresponding measures shall be taken to ensure the security and confidentiality of the data, wherein specific measures including to establish login names and passwords, system access authorization, etc. In addition, international private leased lines were adopted to prevent data alteration or thefts by unauthorized persons during data transmissions. After analysis, the increase or change of the physical location of the information system by the Hong Kong DBS has not substantially affected the security measures for the combination.

Overall, having reviewed the Authorization 02/A/2008/GPDP, the increase or change of the physical location of the information system by the Hong Kong DBS has not substantially changed the combination of personal data contained in the Authorization. According to Article 22(1)(3) of the PDPA, as long as the Macao DBS ensures the data security, it is allowed to combine the concerned data with the Hong Kong DBS. The data of the current Authorization is as follows:

1. The data controllers of the personal data processing:

(1). DBS Bank (Hong Kong) Limited, address: Rua de Santa Clara, n.º 5-7 E, Edifício Ribeiro, Lojas C e D, Macao.¹

¹ Since the two entities for combination are also named as DBS Bank (Hong Kong) Limited, for identification purpose, it has to specify that the DBS Bank (Hong Kong) Limited that is established in the



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(2). DBS Bank (Hong Kong) Limited, address: 11th Floor, The Center, 99 Queen's Road Central, Hong Kong.

2. Types of data subjects:

Customers and data subjects of the blacklist system

3. Types of personal data processing:

(1). Customers' data, which mainly consists of three types of data, including the customers' identification data, transaction records and account data. These types of data specifically consist of the customers' Macao ID numbers and copies, their Hong Kong ID numbers and copies, Mainland ID numbers and copies, passport numbers and copies of the Mainland of China and other countries, as well as the customer name, address, age and date of birth, gender, nationality, marital status, contact number, bank account number and occupation.

(2). Personal data of the data subjects in the blacklist system mainly consists of the relevant data of the persons whom the Courts of Macao have published in their notices. It specifically includes the name, gender, place of birth, nationality, age or date of birth, credit and repayment ability, the type(s) of identification document, number and place of issuance of the person whom the notices have published.

4. Purpose of data processing:

Execution of the data processing, data analysis or other services, marketing and products promotion, as well as the purposes, related to the banking businesses, as mentioned in Item e of the Notification Document.

5. Types of the data recipients:

Members of the DBS Group

6. Methods of exercising the right of access and right to rectify:

Writing

7. Any combination of personal data:

MSAR is under the business registration number 17182SO.



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Yes.

8. The data will be transferred to any third countries or regions:

Yes

Authorization 02/A/2008/GPDP will cease to have effect on the same day when the current Authorization comes into force, whereby it is also recorded by annotation.

Chan Hoi Fan

Coordinator

9 July 2013