

# Bank of America Commercial Card Privacy Notice

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## Introduction

This Privacy Notice explains how **Bank of America Europe DAC** (“BofA DAC”, “we”, “us”, “our”) collects, uses and discloses Personal Data (as defined below) online and offline in connection with the services (“**Services**”) we provide to our corporate and institutional clients as defined in the Processing Activities and Legal Basis section below. We refer to the individuals whose Personal Data we process, such as cardholders, travelers and individuals who work for our clients, as “**you**” in this Notice. This notice also explains how we collect, use, share, protect and otherwise process personal data from registrants for events that BofA DAC hosts. See relevant sections on event management and execution. This privacy notice is in addition to other privacy notices related to other services Bank of America EU/UK entities provide to clients and individuals.

## Personal Data We Collect

“**Personal Data**” is information that identifies an individual or relates to an identifiable individual. The table below contains a list of the Personal Data we collect. In the table in the section Processing Activities and Legal Basis, we have associated the categories of Personal Data we collect with the categories of our processing activities/processing purposes and relevant legal bases.

Categories of Personal Data	Description	Personal Data
Personal Contact Data	An individual’s personal contact information	Name, alias, home address, business phone number, home phone number, mobile phone number, personal email address
Date of Birth	An individual’s date of birth	Date of birth
Place of Birth	Name of city and/or country of birth	Name of city and/or country of birth

Categories of Personal Data	Description	Personal Data
Gender	Information regarding a person's gender	Gender
Bank Account Information	Bank account details for processing payment	Bank account details, including account name and number
Phone Authentication Information	Information required to verify an individual's identity when contacting Cardholder Services	Mother's maiden name, employee identifier, verification ID or other security questions and answers
Online Authentication Information	Information required to verify an individual's identity when accessing an account, online or through mobile application	User ID, password, IP Address, device ID, challenge questions and one-time passcode
Online Identifier	A means of identifying a natural person or data subject by associating informational traces an individual leaves when operating online	Cookies, pixel tags, web beacons, locally stored objects, unique device identifiers for example Media Access Control (MAC) and Internet Protocol (IP) addresses, smart device information, mobile phone network information
Voice	Recordings of voice	Voice on phone calls
Transaction Data	Commercial Card transaction related to payment for goods and services	Merchant, date, amount of purchases
Attendance Data	Confirmation of an Individual's attendance in-person or virtual events	Events attended
Dietary Data	Information regarding a person's dietary requirements	Dietary requirements (Note: religion may be inferred from a person's dietary requirements)
Disability Data	Information regarding a person's disabilities required to accommodate special needs	Disability data
Miscellaneous Data	Personal Data, as relevant to satisfy ad hoc regulatory, judicial, or law enforcement requests or obligations or as affirmatively provided by you in furtherance of the Services	Personal data, as defined by regulatory body, judiciary, or law enforcement or as otherwise affirmatively provided by you to us

We also collect Personal Data online through the use of cookies and other similar tracking technologies. See "[Cookies and Similar Technologies](#)" section for details.

## Sensitive Information

We do not typically collect special categories of Personal Data as defined in the General Data Protection Regulation (e.g., information related to racial or ethnic origin, political opinions, religious or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership) ("**Special Data**") in connection with the Services. Please do not send us any Special Data through the Services or otherwise, unless we specifically request this information from you or make a due diligence enquiry of you where the response necessitates you disclosing Special Data to us. In such a case, please ensure you notify us that you are providing Special Data.

Event management and execution: At the time of registration, participants may tell us about disabilities that may require accommodation, or special needs related to religious beliefs, and/or health characteristics, e.g., dietary requirements. This information will be used only to the extent necessary to facilitate any disability or special accommodations. Similarly, certain registration details may include Special Data (e.g., dietary restrictions may indicate a particular religious belief). Such Special Data will be used only to facilitate event participation.

## Collection of Personal Data

We and our agents, affiliates and service providers may collect Personal Data in a variety of ways, including:

- **Through the Services:** We may collect Personal Data through the Services including our Global Card Access website and mobile application.
- **Other than through the Services:** We may collect Personal Data about you other than through the Services, such as when you make a card payment.
- **Event management and execution:** You provide Personal Data through the event registration process.

## Processing Activities and Legal Basis

We need to collect and process Personal Data in order to provide the requested services, or because we are legally required to do so. If we do not receive the information that we request, we may not be able to provide the requested services. The below table contains an indicative summary of our activities which require the processing of your Personal Data, and the associated legal basis. Unless otherwise stated, we collect Personal Data directly from you or your employer.

Purpose	Reasons for Processing	Personal Data	Legal Basis
<i>Regulatory and Compliance Obligations</i>	<ul style="list-style-type: none"> <li>• To comply with the rules of any relevant card scheme</li> <li>• To comply with applicable laws and regulations (including any legal or regulatory guidance, codes or opinions)</li> <li>• To comply with sanctions procedures and other legal process and law enforcement requirements including any internal policies which are based on, or reflecting, legal or regulatory guidance, codes or opinions</li> <li>• To comply with non-financial regulatory reporting requirements established by regulators, tax authorities and government bodies across jurisdictions. See "<a href="#">Disclosure of Personal Data</a>" section for additional information</li> </ul>	Personal Data as relevant for each specific regulatory and compliance obligation	<p><i>Legal Obligations</i> See Appendix – Key Statutes</p> <p><i>Legitimate Interests</i></p> <ul style="list-style-type: none"> <li>• To implement internal controls</li> <li>• To comply with reporting requirements of regulators, tax authorities and governmental bodies</li> </ul>
<i>Delivery of Commercial Card Products and Services</i>	<ul style="list-style-type: none"> <li>• To administer your card, resolve enquiries and provide Services to you</li> <li>• To facilitate transactions, both in making card payments to merchants and/or settling outstanding card balances</li> <li>• For business purposes, including data analysis, audits, developing and improving products and Services, identifying usage trends and determining the effectiveness of promotional campaigns, and enhancing, improving or modifying our Services</li> </ul>	Personal Contact Data, Date of Birth, Place of Birth, Gender, Unique Personal Identifier, Bank Account Information, Phone Authentication Information, Online Authentication Information, Electronic Recordings, Transaction Data	<p><i>Legitimate interests</i></p> <ul style="list-style-type: none"> <li>• To provide Services</li> <li>• To authenticate individuals before giving access to systems or accounts</li> <li>• To allow for communications required for the Services we provide</li> </ul>
<i>Cardholder Communications</i>	<ul style="list-style-type: none"> <li>• To communicate with you in developing, changing or improving products and services</li> <li>• To handle your complaints</li> </ul>	Personal Contact Data	<p><i>Legitimate Interests</i></p> <ul style="list-style-type: none"> <li>• To provide information to and communicate with you</li> <li>• To handle any complaints in relation to the services we provide</li> </ul>

Purpose	Reasons for Processing	Personal Data	Legal Basis
<i>Events Management and Execution</i>	<ul style="list-style-type: none"> <li>To register and confirm attendance at virtual or in-person events and conferences</li> <li>To notify your organization about events for awareness, as part of our services to you</li> <li>To facilitate event management, virtual or in-person</li> <li>To facilitate special accommodations, including disabilities, dietary requirements or other special needs</li> </ul>	Personal Contact Data, Attendance Data  <b>Sensitive Personal Data:</b> Dietary Data, Disability Data	<i>Legitimate interest</i> <ul style="list-style-type: none"> <li>To inform our internal event sponsor on attendance, and entertainment booking</li> <li>To accommodate requirements of event attendees whenever possible</li> </ul> <i>Explicit Consent</i> <ul style="list-style-type: none"> <li>To accommodate and facilitate special needs. Withdrawal of consent will not affect the lawfulness of processing based on consent before its withdrawal</li> </ul>

Where we need to collect the abovementioned categories of Personal Data by virtue of a legal obligation, and you do not provide this Personal Data when requested, we may not be able to comply with our legal obligations or provide you with the Services.

We will not use your Personal Data to make decisions based solely on automated processing (including profiling) that have legal or similarly significant effects on you.

## Cookies and Similar Technologies

We may collect personal information through the use of cookies and similar technologies. See our [Cookie Policy](#) for additional details about cookies and tracking technologies including how you can manage cookies.

Cookie Policy:

[https://business.bofa.com/content/dam/boamlimages/documents/articles/ID19\\_0760/Cookie\\_Policy.pdf](https://business.bofa.com/content/dam/boamlimages/documents/articles/ID19_0760/Cookie_Policy.pdf)

## Disclosure of Personal Data

Personal Data may be disclosed to affiliates and subsidiaries of BofA ("[affiliates](#)") and third parties in connection with the Services we are providing. Subject to any restrictions around confidentiality we have expressly agreed with you or other transaction parties, such disclosures may include disclosures made to categories of third parties listed in the table below:

Categories of third parties	Personal Data	Purpose of processing your Personal Data	Destination Countries
Your employer, group companies of your employer, Account Information Service Provider or other third party that you or your employer authorizes to receive or access data held by us	Personal Data as authorized	To administer the Commercial Card program and provide Services to your employer	Consult with your employer

Categories of third parties	Personal Data	Purpose of processing your Personal Data	Destination Countries
Payment Network such as card schemes	Personal Contact Data, Date of Birth, Bank Account Information, Transaction Data	To facilitate transactions, both in making card payments to merchants and/or settling outstanding card balances	United Kingdom, United States
Account Management Software Service Providers who help us manage your Commercial Card	Personal Contact Data, Date of Birth, Place of Birth, Gender, Unique Personal Identifier, Bank Account Information, Phone Authentication Information, Online Authentication Information, Online Identifier, Electronic Recordings, Transaction Data, Attendance Data Religion, Dietary and Disability Data Images / Videos / Audio – People	To administer your card, resolve enquiries and provide Services to you. To provide services such as website hosting, data analysis, payment processing, order fulfillment, information technology and related infrastructure provision, customer service, email delivery, card production, printing, auditing and other services, such as marketing and event management and execution (event vendors, organizers, volunteers, contractors, and sponsors)	India, Singapore, United Kingdom, United States
External law firms	Personal Data as relevant in each specific situation	To provide legal support in preparing transactional documents with you, in support of the services we provide to you, or in defending claims involving you	Ireland, United Kingdom
Regulators	Personal Data as relevant in each specific situation	To comply with regulatory requirements that obligate us to share your Personal Data	Ireland, United Kingdom
Digital Tracking Providers: Companies that provide digital tracking services (like cookies, tags, etc) and whose scripts we use to add to our webpages	IP Address, Unique Device Identifiers	To improve technical and design features of our websites and platforms	United States, United Kingdom, EEA Countries, India

## Third Party Services

This Privacy Notice does not address, and we are not responsible for, the privacy information or other practices of any third parties, including any third party operating any website or service to which the Services link. The inclusion of a link does not imply endorsement of the linked site or service by us or by our affiliates.

## Security

We seek to use reasonable organizational, technical and administrative measures to protect Personal Data within our organization. Unfortunately, no data transmission or storage system can be guaranteed to be 100% secure. If you have reason to believe that your interaction with us is no longer secure, please immediately notify us in accordance with the “Contacting Us” section below.

## Choices and Access

### Receiving electronic communications from us

If you no longer wish to receive marketing-related emails from us in the future, you may opt-out by following the instructions in the relevant electronic communication.

We will try to comply with your request(s) as soon as reasonably practicable. Please note that if you opt-out of receiving marketing-related emails from us, we may still send you important administrative and Service or transaction-related messages, which you cannot opt out of.

## Rights of individuals afforded to you

You may have certain rights under GDPR and the Swiss revFADP regarding your access to, information about, or the processing of your personal data. These rights include, where permitted under applicable law and subject to certain exceptions:

- The right to be informed, which means we tell you what personal data we process, why we process your personal data, and with which third parties we share your personal data;
- The right to access, which is your right to see the personal data that we have about you;
- The right to rectification, which is your right to have your personal data corrected or amended if it is incorrect;
- The right to erasure, which means you may request that we delete the personal data we have about you;
- The right to data portability, which is your right to ask for a copy of your personal data in a commonly-used machine-readable format;
- The right to object to further processing of your personal data in a manner that is inconsistent with the primary purpose of its initial collection; and
- The right to withdraw your consent if the processing of your personal data is based on your consent

To learn more about how you can exercise your rights, please see the section below.

## How individuals can access, change or suppress their Personal Data

You have certain rights in respect of your Personal Data as outlined above. However, please note that these rights are not absolute and may be subject to limitations. If you would like to access, correct, update, restrict or delete your Personal Data, withdraw consent or object to the processing of your Personal Data, or if you would like us to transmit an electronic copy of your Personal Data to another company, you may contact us by telephone on **00800 0456 7890** or **+44 (0) 207 839 1481** or by emailing: [individualrightsrequests@bofa.com](mailto:individualrightsrequests@bofa.com). You can also update your Personal Data on Global Card Access. We will respond to your request consistent with applicable law.

In your request, please make clear what Personal Data you would like to have changed, whether you would like to have the Personal Data suppressed from our database or otherwise let us know what limitations you would like to put on our use of the Personal Data. For your protection, we may only implement requests with respect to your Personal Data, and we may need to verify your identity before implementing your request. We will try to comply with your request as soon as reasonably practicable.

Please note that we may need to retain certain Personal Data for recordkeeping and/or regulatory purposes and/or to complete any transactions that you began prior to requesting a change or deletion. There may also be residual Personal Data that will remain within our databases and other records, which will not be removed. We may no longer be able to provide the Services to you if you request a deletion.

You may lodge a complaint with an EU/EEA data protection authority for your country or region where you have your habitual residence or place of work or where an alleged infringement of applicable data protection law occurs. A list of data protection authorities is available at <https://ec.europa.eu/newsroom/article29/items/612080>.

## Retention Period

We will retain Personal Data for as long as needed or permitted in light of the purpose(s) for which it was obtained. The criteria used to determine our retention periods include: (i) the length of time we have an ongoing relationship with our client and provide the Services; (ii) whether there is a legal obligation to which we are subject; (iii) whether retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation or regulatory investigations); (iv) type of personal data involved; and (v) the jurisdiction(s) involved.

The appropriate retention period is determined on a case-by-case basis and will depend upon the length of time we need to keep your Personal Data for the purpose(s) for which it was collected. For instance, we may need to retain your Personal Data to provide our client(s) with services, to comply with a legal obligation to which we are subject or in situations where retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation or regulatory investigations). The retention period may vary between jurisdictions. For example, personal data processed for the purposes of meeting our legal and regulatory obligations related to the prevention of money laundering and terrorist financing (as described below) is retained for up to 20 years from the date it is received by BofA DAC or for up to 10 years from the end date of the client relationship, depending on the jurisdiction. For example:

- We are required to retain certain Personal Data to deliver Services to our clients at least until the termination of the relationship, and sometimes for a period of time thereafter;
- We preserve your Personal Data where it is reasonably necessary for reasons related to a legal claim or complaint, where we are subject to a regulatory investigation or where we may need to defend ourselves in legal proceedings or respond to a regulator or to respond to a valid legal request, such as a preservation order, subpoena or search warrant;
- We keep information collected using Cookies in accordance with the [Cookie Policy](https://business.bofa.com/content/dam/boamlimages/documents/articles/ID19_0760/Cookie_Policy.pdf), available at [https://business.bofa.com/content/dam/boamlimages/documents/articles/ID19\\_0760/Cookie\\_Policy.pdf](https://business.bofa.com/content/dam/boamlimages/documents/articles/ID19_0760/Cookie_Policy.pdf);
- We are required to retain certain Personal Data in order to meet our legal and regulatory obligations related to the prevention of money laundering and terrorist financing, and this information is retained in accordance with applicable money laundering laws included the 5th Anti-money Laundering Directive (Directive (EU) 2018/843) and implementing UK and EU member state laws; and
- We are required to retain information regarding payments in accordance with the Payment Services (PSD 2) Directive (EU) 2015/2366 and applicable implementing UK and EU member state laws.

## Use of Services by Minors

The Services are not directed to individuals under the age of eighteen (18), and we do not knowingly collect Personal Data from individuals under the age of 18.

## Jurisdiction and Cross-Border Transfer

Personal Data may be stored and processed in any country where we have facilities or in which we engage service providers, including the United States. In certain circumstances, courts, law enforcement agencies, regulatory agencies or security authorities in those other countries may be entitled to access Personal Data.

If you are located in the European Economic Area (EEA), the UK or Switzerland: Some countries are recognized by the European Commission, the UK privacy regulator and the Swiss privacy regulator as providing an adequate level of data protection according to their standards (the full list of these countries is available here for the EEA: [https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en); here for the UK: <https://www.gov.uk/government/publications/uk-approach-to-international-data-transfers/international-data-transfers-building-trust-delivering-growth-and-firing-up-innovation> and here for Switzerland: <https://www.edoeb.admin.ch/edoeb/en/home/datenschutz/international/angemessenheit.html>) and no additional steps are required where we transfer Personal Data to these countries. For transfers from the EEA, the UK or Switzerland to countries not considered adequate by the European Commission, the UK regulator or the Swiss regulator, we have put in place appropriate safeguards, such as standard contractual clauses adopted by the European Commission to protect Personal Data. You may obtain a copy of these safeguards by contacting us as set out below. Transfers may also be made pursuant to contracts in your interest or at your request.

## Updates to This Privacy Notice

We may change this Privacy Notice, including the list of BofA EU/UK Entities, from time to time. The “LAST UPDATED” legend at the top of this Privacy Notice indicates when this Privacy Notice was last revised. Any changes will become effective when we post the revised Privacy Notice. Use of the Services following these changes (or your continued provision of Personal Data to us) signifies acceptance of the revised Privacy Notice.

## Contacting Us

If you have any questions about this Privacy Notice, please contact our Data Protection Officer at [dpo@bofa.com](mailto:dpo@bofa.com).

You can also find contact details for our Affiliates by following this link:

[https://business.bofa.com/content/boaml/en\\_us/contactus.html](https://business.bofa.com/content/boaml/en_us/contactus.html)

To help us to manage your query, please include your full name and the name of the BofA Entity (Bank of America Europe DAC) that is processing your Personal Data and/or any reference number that was made available to you.

## Additional Information for France

Under French law, individuals shall have the right to set guidelines regarding the retention, erasure and disclosure of their Personal Data after their death. Such right can be exercised by contacting us as set out in the "[Contacting Us](#)" section.

## Additional Information for Switzerland

Under Swiss law, you may also write to the Data Protection Officer representative in Switzerland:

Mrs. Nicole Busslinger-Roch  
Stockerstrasse 23  
8002 Zurich, CH

## Appendix – Examples of Key Statutes related to Legal Obligations as Legal Basis

Compliance with applicable laws rules and regulations for which the Bank is in scope, including but not limited to the following examples of key statutes (and in relation to legislation including any successor legislation from time to time as amended or, extended, re-enacted, supplemented from time to time and as implemented or otherwise given effect in the relevant Member State of the European Economic Area or the United Kingdom from time to time, including such legislation as it forms part of domestic law of the United Kingdom by virtue of the European Union (Withdrawal) Act 2018).

- General Data Protection Regulations (EU) 2016/679 and all applicable implementing UK and EU member state laws
- the 5th Anti-money Laundering Directive (Directive (EU) 2018/843) and all applicable implementing UK and EU member state laws
- the Payment Services (PSD 2) - Directive (EU) 2015/2366 and all applicable implementing UK and EU member state laws
- National legislation governing the provision of banking and payment services including national legislation in the UK and EU / EEA member states that create obligations additional to those under PSD2
- Multilateral Interchange Fee Regulation (EU) 2015/751 and applicable implementing UK and EU member state laws
- Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 amending Regulation (EC) 924/2009 (Cross-Border Payments Regulation) and all applicable implementing UK and EU member state laws
- Directive on privacy and electronic communications 2002/58/EC and all applicable implementing UK and EU member state laws
- Ireland Stamp Duties Consolidation Act 1999 (as amended by the Finance Act 2015)

Bank of America Europe Designated Activity Company

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