

## Disclosure of customer data

In this fact sheet you will find information about the disclosure of customer data by the Cantonal Bank of Saint Gall Ltd (SGKB) in connection with transactions and services associated with payment transactions (incoming and outgoing payments), financial market transactions (trading and safekeeping of securities and other financial instruments) and foreign exchange transactions. It contains further information on clause A4 of our General Terms and Conditions (GTC), which forms the contractual basis for the disclosure of customer data, and supplements the information document from the Swiss Bankers Association («[Information regarding the disclosure of client data and other information in international payment transactions and investments in foreign securities](#)»).

### **1. Why do we need to disclose customer data?**

Based on the global trend for greater transparency, there is an increasing number of laws, regulations, contractual provisions and compliance standards that require the disclosure of customer data in connection with transactions and services in the areas of payment transactions, financial market transactions and foreign exchange transactions. The objective is to combat money laundering, the financing of terrorism and corruption, to impose sanctions and assert market conduct standards, to prevent insider transactions and to make good corporate governance possible. Compliance with disclosure requirements is a prerequisite for SGKB's business activities.

### **2. Who may obtain your customer data?**

Depending on the type of transaction or service, exchanges, brokers, correspondent and recipient banks, card issuers, transaction registers, processing institutions and third-party custodians, issuers or their representatives, as well as other domestic or foreign companies involved in the transactions or services may be among the recipients of such data. In addition, foreign supervisory bodies as well as foreign authorities and institutions commissioned by these may be possible recipients.

### **3. What customer data may be affected?**

Depending on the provisions applicable in the specific case, the following customer data may be affected, which may need to be proven through documents:

- information about the customer, representative, beneficiary, controlling party and other parties involved (e.g. name, address, domicile, nationality, passport number, contact details);
- information about the transaction and/or service in question (e.g. purpose, economic background, origin of funds);
- information about the customer's business relationship with SGKB (e.g. customer status, customer history, scope and purpose of the business relationship).

### **4. When and how is customer data disclosed?**

Disclosure may be required before, during or after the execution of a transaction or the provision of services and even after the end of the business relationship with SGKB. Customer data may be disclosed in any manner.

In particular, this includes forwarding via telecommunications (including electronic data transfer), but also the physical transmission of information and documents.

### **5. How is disclosed customer data protected?**

The recipients of customer data are subject to the data protection standards of the supervisory authorities and the law in the legal system in which they operate. Following its disclosure, customer data is no longer subject to the control of SGKB. In the event of transmission to a foreign country, data is no longer protected by Swiss law (bank client confidentiality, data protection) but is subject to the respective foreign legislation, which may guarantee less extensive protection. Foreign laws, official orders and contractual obligations may require the forwarding of data to authorities or other third parties.

## 6. Examples of the disclosure of customer data

SGKB must disclose customer data in the following situations, for example:

- *When trading securities and financial instruments via financial centres in the European Economic Area*  
According to Art. 26 of the Markets in Financial Instruments Regulation (MiFIR), financial centres in the European Economic Area are obliged to report securities transactions (purchases and sales) by direct participants outside the European Economic Area to the national supervisory authorities. To enable SGKB to execute transactions via such a financial centre on behalf of the customer, it must forward customer data (identification number, first name, surname, date of birth for natural persons or Legal Entity Identifier (LEI) for legal entities) to the financial centre, which then takes care of reporting in full to the responsible supervisory authority. If the required customer data cannot be forwarded, the customer's order cannot be processed or may be processed only via a different financial centre, possibly with worse terms. Based on Art. 39 of the Swiss Financial Market Infrastructure Act (FinfraG), a comparable disclosure is also required for transactions on the Swiss Exchange.
- *When a company demands information about its shareholders*  
The Shareholder Rights Directive II (SRD II) gives a company domiciled or listed on an exchange in the European Union or European Economic Area the right to identify its shareholders. If a customer holds equities from such a company in their investment portfolio, SGKB must provide the company with details about the shareholder at any time at the request of the company. This information includes (for example and where available) the name of the shareholder, their unique identifier (e.g. passport number or Legal Entity Identifier (LEI)), their address and the number of equities. Further information on the Shareholder Rights Directive II can be found in the relevant fact sheet, which is published in the current version at [sgkb.ch/legal](https://sgkb.ch/legal) or can be obtained from the bank in printed form.
- *When an authority demands information on securities, financial instruments and currencies*  
To shed light upon insider transactions and market abuse, domestic and foreign financial market and stock exchange supervisory authorities can demand information about transactions involving securities, financial instruments or currencies at any time if these are issued, traded, settled, processed or kept in the authority's country. The information demanded generally includes details on the transactions and the persons involved in these (e.g. name, address, passport copy, ISIN, portfolio, transaction background, etc.).