



## Cross-Border Program Privacy Notice

**Important:** You are receiving this Privacy Notice as You have been issued with a Commercial Card by U.S. Bank at the request of your Employer.

This Privacy Notice relates to the use and processing of Your Personal Data in respect of the issuing, use and management of the Commercial Card by U.S. Bancorp family of financial service providers.

For the purposes of Applicable Data Protection Law, U.S. Bank is a controller of Your Personal Data. U.S. Bank is a separate controller to your Employer who also processes Your Personal Data as a controller independently. U.S. Bank is not involved in or responsible for any processing of Your Personal Data by your Employer.

In this Privacy Notice, terms defined in the Terms and Conditions shall apply unless the context otherwise permits or requires. In addition, the terms “**controller**” and “**processing**” (and any derivatives of this term) shall have the meaning set out in Applicable Data Protection Law.

### 1. PERSONAL DATA COLLECTED AND PROCESSED.

- 1.1. As part of Your use of the Commercial Card, U.S. Bank will collect and gather the following Personal Data about You:
  - 1.1.1. All relevant data required to operate your Commercial Card in accordance with the Commercial Account Program.
  - 1.1.2. If applicable, any “know your customer” or anti-money laundering information provided by your Employer;
  - 1.1.3. Details of your use of Your Commercial Card including transaction data;
  - 1.1.4. Communications between You and U.S. Bank;
  - 1.1.5. If You contact us for any reason, a record of that correspondence may be kept;
  - 1.1.6. Statistical and other analytical information collected about your use of Your Commercial Card; and
- 1.2. Please note that the type of Personal Data collected and processed varies depending upon your use of Your Commercial Card and as such additional information to that listed above will at times be collected and processed as necessary to administer Your Commercial Card.
- 1.3. In some cases, providing Your Personal Data is necessary to enter into a contract with U.S. Bank or to comply with applicable law. If you do not provide such information, U.S. Bank may not be able to provide you a Commercial Card.

### 2. PURPOSES FOR PROCESSING.

- 2.1. U.S. Bank values your privacy and agrees to process Your Personal Data in accordance with Applicable Data Protection Law.
- 2.2. U.S. Bank will process your Personal Data for the following reasons, in reliance on the following legal bases, that are detailed further at 3 below:
  - 2.2.1. Effectiveness of the Commercial Card (Contract): To ensure that the provision, management and use of the Commercial Card and the Account is carried out in the most effective, responsive and compatible way for You and your Employer.
  - 2.2.2. Verification (Contract necessity): To verify Your eligibility to be issued with a Commercial Card.
  - 2.2.3. Provision of the Commercial Card (Contract): To provide You with a Commercial Card and to use Your Commercial Card.
  - 2.2.4. Contractual obligations (Contract necessity): To carry out and fulfil our contractual obligations with You and Your Employer, for example, to enable You to make Purchases and to incur Charges to the Account.
  - 2.2.5. Billing (Contract necessity): To record Charges and to generate Statements.
  - 2.2.6. Changes to the Commercial Card (Contract): To notify you about changes and developments to the use of Your Commercial Card.
  - 2.2.7. Reporting (Legitimate interests): To assess and analyse the level of use of Your Commercial Card.
  - 2.2.8. Legal obligations (Legal Obligations): For compliance with legal obligations to which U.S. Bank is subject.
  - 2.2.9. Other legal obligation (Legitimate Interests): To ensure compliance with additional mandatory legal obligations applicable to U.S. Bank.
  - 2.2.10. Fraud Prevention (Legitimate interests): To identify and prevent potential fraud on the Commercial Account Program.

- 2.3. U.S. Bank will only process Your Personal Data in a manner compatible with the purposes described in this Privacy Notice and we will not use Your Personal Data for any other purpose incompatible with those purposes, unless required or authorised by law, where it is in your own vital interest or that of another person (e.g., in the case of an emergency), or where we issue a revised Privacy Notice to You.

### 3. LEGAL BASIS.

**U.S. Bank will only process Your Personal Data where it can rely on one or more valid legal basis to do so under Applicable Data Protection Law. Depending on the jurisdiction and the circumstances, such legal bases may include, without limitation:**

3.1. **The following legal bases:**

- 3.1.1. **Contract:** The processing is necessary for the performance of a contract with You (or for taking steps at Your request with a view to entering into a contract). U.S. Bank principally relies on this legal basis to process Your Personal Data.
- 3.1.2. **Legal obligations:** The processing is necessary for compliance with a legal obligation to which the U.S. Bank is subject. U.S. Bank must process Personal Data to comply with anti-money laundering and other regulatory requirements.
- 3.1.3. **Other legal bases:** From time to time, U.S. Bank may rely on another lawful basis for the purpose of processing Your Personal Data, for example, Legitimate interests, Consent, Vital interests or the Public interest.

### 4. CATEGORIES OF RECIPIENTS OF PERSONAL DATA.

- 4.1. U.S. Bank contracts with other entities that perform certain tasks on its behalf and who are under their control (“**Service Providers**”). This is required in order to provide and manage Your Commercial Card. Unless we tell you differently, the Service Providers do not have any rights to use Your Personal Data or other information shared with them beyond what is necessary to assist U.S. Bank, as relevant. Such Service Providers are detailed in Section 4.2.
- 4.2. From time to time, U.S. Bank will need to make Your Personal Data available to its group companies (i.e. a parent company, a subsidiary company and/or a parent of another subsidiary company) for the provision of the Commercial Card to You. From time to time, U.S. Bank will need to make Your Personal Data available to unaffiliated third parties. Such unaffiliated third parties may include the following:
- 4.2.1. **Professional advisors:** Accountants, auditors, lawyers, bankers, insurers, and other outside professional advisors in all of the countries in which U.S. Bank operates.
- 4.2.2. **Service Providers:** Companies that provide products and services to U.S. Bank such as IT systems suppliers and support, data storage, IT developers, insurance, credit card companies, payment processors, analytics companies, website hosting providers and other service providers.
- 4.2.3. **Public and Governmental Authorities:** Entities that regulate or have jurisdiction over U.S. Bank and/or the Commercial Card and/or the Account such as regulatory authorities, law enforcement, public bodies and judicial bodies.
- 4.2.4. **Corporate transaction:** A third party in connection with any proposed or actual reorganisation, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of the U.S. Bank business, assets or stock (including in connection with any insolvency event or similar proceedings).
- 4.2.5. **Card Associations:** In order for You to use Your Commercial Card, we share Your Personal Data with Associations.

### 5. INTERNATIONAL DATA TRANSFERS.

- 5.1. Your Personal Data may be transferred to, processed in, and stored in countries other than the country in which You are located, including countries that may have different data protection standards. Those countries may be located inside or outside of European Economic Area and North America.
- 5.2. Where required under Applicable Data Protection Law, U.S. Bank implements appropriate safeguards to protect Your Personal Data, which may include contractual protections, intra-group agreements, technical and organisational measures, or other legally recognised transfer mechanisms. U.S. Bank will provide you upon request a list of the countries to which Your Personal Data may be transferred. Please send your request as indicated in Section 12 (Contact Us).
- 5.3. To comply with Applicable Data Protection Law transfers of personal data to third party vendors (e.g. payment processors) are secured by implementing the safeguards required under the Applicable Data Protection Law (including contractual arrangements entered into with a third party vendor). Third party service providers are expected to protect the confidentiality and security of Personal Data, and only use Personal Data for the provision of the requested service, and in compliance with applicable law, including Applicable Data Protection Law. A list of third-party vendors to whom your Personal Data is transferred, can be obtained by contacting U.S. Bank using the information supplied in Section 12 (Contact Us).

## 6. SECURITY MEASURES.

- 6.1. U.S. Bank is committed to maintaining the security of Your Personal Data processed. U.S. Bank maintains appropriate physical, procedural, organisational and technical security measures intended to prevent loss, misuse, unauthorised access, disclosure, or modification of your Personal Data under its control. However, You recognise that no entity can keep Your Personal Data 100% secure. If you have reason to believe that Your Personal Data is no longer secure, please notify U.S. Bank immediately using the contact information supplied in Section 12 (Contact Us).

## 7. RETENTION PERIOD.

- 7.1. U.S. Bank retains Your Personal Data for no longer than is allowed under Applicable Data Protection Law and, in any case, no longer than such Personal Data is necessary for the purpose for which it was processed which is typically (but not always) 24 months from when you stop using your Commercial Card, unless a longer retention period is required by applicable law (such as retention obligations arising under commercial and tax law) or is justified under applicable statutory limitation periods.

## 8. YOUR DATA PROTECTION RIGHTS.

- 8.1. Depending on the Applicable Data Protection Law, You may have certain rights in relation to Your Personal Data, which may include the right to access, correct, delete, restrict or object to processing of Your Personal Data, or to receive a copy of Your Personal Data. The availability and scope of such rights may vary depending on the jurisdiction. U.S. Bank will respond to requests in accordance with Applicable Data Protection Law.
- 8.2. These are known as “**Data Subject Rights**” and U.S. Bank, as a controller, respects Your rights. More information regarding each of your Data Subject Rights can be found below.
- 8.3. If you would like to exercise Your Data Subjects Rights or learn more about the processing of Your Personal Data, please contact U.S. Bank using the information provided below under Section 12 (Contact Us). U.S. Bank will respond to your request(s) as soon as reasonably practicable, but in any case, within the legally required period of time.
- 8.4. If you are not satisfied with the response from U.S. Bank or believe that Your Personal Data is not being processed in accordance with Applicable Data Protection Law, You also may contact or lodge a complaint with the competent supervisory authority or seek other remedies under Applicable Data Protection Law.

## 9. UPDATING YOUR PERSONAL DATA.

- 9.1. U.S. Bank strives to maintain Your Personal Data in a manner that is accurate, complete and up to date. However, You have an obligation to keep Your Personal Data up to date and to inform U.S. Bank of any significant changes to Your Personal Data. Please contact U.S. Bank using the contact details listed in Section 12 (Contact Us) below if there are any changes in Your Personal Data.

## 10. LINKS TO OTHER WEBSITES.

- 10.1. If we provide You access to a website for the purposes of Your Commercial Card (“**Site**”) the Site may, from time to time, contain links to and from other websites and web platforms. If You follow a link to any of those websites or web platforms, please note that those websites and web platforms have their own privacy policies and that U.S. Bank does not accept any responsibility or liability for those policies. Please check those policies before you submit any Personal Data to those websites or platforms.

## 11. CHANGES TO THIS PRIVACY STATEMENT.

- 11.1. U.S. Bank reserves the right to change this Privacy Notice at any time in its sole discretion. If changes are made, they will be posted to the Site or You will otherwise be informed of them so that You can see what information is gathered, how it might be used and shared. You may be asked to confirm that you have read the Privacy Notice as modified. By continuing to use Your Commercial Card and/or the Site after being presented with the modified Privacy Notice, You confirm that you have read the modified Privacy Notice and are happy with how Your Personal Data will be handled.

## 12. CONTACT US.

- 12.1. If you have any question or concerns regarding this Privacy Notice, the processing of Your Personal Data or exercise of your Data Subjects Rights as outlined in this document (Your Data Protection Rights), please contact: [ConsumerPrivacyRequest@usbank.com](mailto:ConsumerPrivacyRequest@usbank.com)
- 12.2. You may contact U.S. Bank National Association, Chief Privacy Officer, 200 S 6th Street, Minneapolis, Minnesota 55402, United States.