

## TERMS AND CONDITIONS

### ON THE PROTECTION AND PROCESSING OF PERSONAL DATA

#### Introduction:

Vietcap Securities Joint Stock Company (hereafter referred to as "Vietcap") deeply values privacy and is committed to safeguarding the personal data of its customers, while adhering to Vietnamese legal provisions.

These "Terms and Conditions" (hereafter referred to as "Terms") delineate the collection and processing of customers' personal data by Vietcap during their interaction with Vietcap's products, websites, or services, in accordance with the law (Decree No. 13/2023/ND-CP dated April 17, 2023, on personal data protection, amended and supplemented as necessary). These Terms do not apply to personal data outside the scope outlined above.

#### Article 1: Acceptance of Terms

Customers are required to carefully read and periodically check these Terms for updates made by Vietcap in accordance with the regulations stated herein. By registering to use or using Vietcap's products/services or conducting transactions with Vietcap, or by consenting to the collection and processing of personal data by Vietcap as per Decree 13 and/or other relevant legal regulations, customers unconditionally accept the policies and practices described in these Terms.

Should customers disagree with any provisions in these Terms, they should suspend or terminate their use of Vietcap's services or transactions. Vietcap reserves the right to cease services to customers who reject these Terms without prior notice. Services will be reinstated once Vietcap obtains the customer's consent for the collection and processing of personal data as specified in these Terms.

#### Article 2: Scope of Adjustment

This section outlines the following aspects:

- The types of personal data Vietcap collects.
- How Vietcap collects and processes customer's personal data.
- Parties receiving personal data shared by Vietcap.
- Rights and obligations concerning personal data collected by Vietcap.
- Options offered by Vietcap, including accessing and updating personal data.

#### Article 3: General Provisions and Interpretation of Terms

##### *3.1 General Regulations*

These Terms are an integral part of contracts, agreements, applications, registration documents, or any other documentation that governs the relationship between customers and Vietcap. Vietcap is committed to protecting customer privacy and complying with Vietnamese law by implementing appropriate personal data protection measures, in a timely manner and in accordance with the prevailing regulations.

These Terms apply to all Vietcap customers. When providing personal data of third parties (such as dependents, legally related persons, spouses, children, parents, friends, beneficiaries, authorized persons, partners, emergency contacts, or other individuals associated with the customer) to Vietcap, customers affirm that they have obtained the necessary consent from such third parties for the processing (including but not limited to collection, use, and disclosure) of personal information for the purposes stated herein.

Customers understand and agree that providing personal data to Vietcap, including information collected before, during, and after acceptance of these Terms, constitutes acceptance of the use of personal data by Vietcap throughout the entire data processing period, from the point of data reception by Vietcap until a request to cease data processing or termination in accordance with the law is made.

As a controller, Vietcap processes personal data collected from customers or during transactions with customers, determining the purposes and methods of personal data processing. When acting as a processor of personal data, Vietcap directly processes the personal data in question.

### 3.2 Explanation of Terms

- **Personal data processing:** One or more activities that impact personal data, including but not limited to collection, recording, analysis, confirmation, storage, correction, disclosure, combination, access, retrieval, encryption, decryption, copying, sharing, transmission, provision, transfer, deletion, destruction of personal data, or other related actions.
- **Data subject:** The individual to whom the personal data pertains.
- **Customer:** An individual or organization accessing, learning about, registering, using, or participating in Vietcap's operations and service provision.
- **Third party:** An organization or individual external to Vietcap and the data subject.

Any provisions not explained in these Terms will be understood and applied according to Vietnamese law or explained as per relevant internal documents issued by Vietcap from time to time.

### Article 4: Types of Personal Data Collected by Vietcap

4.1 **Personal data** encompasses information in electronic forms such as symbols, letters, numbers, images, sounds, or similar formats that are associated with a specific individual or aid in identifying one. It includes general personal data and sensitive personal data.

4.2 **General personal data** includes:

- a. Name (last name, middle name, first name, and other names, if applicable)
- b. Date of birth or date of death
- c. Gender
- d. Place of birth, registered place of birth, permanent residence, temporary residence, current residence, hometown, and contact address
- e. Nationality
- f. Personal image
- g. Phone number, ID card number, personal identification number, passport number, driver's license number, license plate number, personal tax code number, social insurance number, health insurance card number
- h. Marital status
- i. Information about familial relationships (e.g., parents and children)
- j. Digital account information; personal data reflecting online activities and history
- k. Information associated with or used to identify an individual, other than sensitive personal data

4.3 **Sensitive personal data** refers to personal data related to individual privacy, the infringement of which would directly affect an individual's legal rights and interests. This includes, but is not limited to:

- a. Political and religious opinions
- b. Health conditions and personal information in health records (excluding blood group information)
- c. Information about racial or ethnic origin
- d. Genetic data related to inherited or acquired genetic characteristics
- e. Information about an individual's sex life or sexual orientation
- f. Data on crimes and criminal activities collected and stored by law enforcement agencies

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109 Tran Hung Dao Street,  
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- g. Information on customers of credit institutions, foreign bank branches, payment service providers, and other licensed institutions, including customer identification as mandated by law, accounts, deposits, deposited assets, transactions, and organizations and individuals that serve as guarantors at credit institutions, bank branches, and payment service providers
- h. Personal location identified via location services
- i. Other specific personal data as required by law that necessitates special protection

## **Article 5: Personal Data Processing Activities**

### *5.1 Collection of Personal Data*

Vietcap may directly or indirectly collect customer's personal data when:

- a. Obtaining information from customers during direct contact, service provision, or face-to-face meetings.
- b. Customers visit Vietcap websites or use any features or resources available on or through the website.
- c. Customers download or use Vietcap's mobile application.
- d. Customers engage in communication with Vietcap, including emails, phone calls, electronic communication, and other means, as well as participating in surveys and investigations conducted by Vietcap.
- e. Data is automatically collected from customer connections to Vietcap, such as cookies, plugins, third-party social network integration, or any technology capable of tracking and collecting personal data on customer devices or social media sites (e.g., Facebook, YouTube, TikTok, Instagram).
- f. Obtaining data from competent state agencies, such as the State Securities Commission, Vietnam Securities Depository Center/Depository Corporation, Vietnamese securities clearinghouses, stock exchanges, or other competent agencies in Vietnam.
- g. Retrieving customer data from public sources, such as phone books and online publications.
- h. Data acquisition from suppliers, service providers, partners, affiliates, and third parties related to Vietcap's business activities.
- i. Receiving data from third parties with a relationship to the customer.
- j. Other sources where customer consent or legal requirements mandate data collection.

### *5.2 Personal Data Processing*

Vietcap and its data processors may process personal data for one or more of the following purposes:

- a. Identity verification and background checks.
- b. Spam and email/call registry checks (if applicable).
- c. Assessing customer records, financial capacity, and suitability for proposed products and services.
- d. Providing products and services offered by Vietcap (including third-party products in collaboration with Vietcap) in accordance with the law.
- e. Promoting and informing customers about products, services, promotional programs, research, surveys, news, updates, events, contests, and related information activities, communication, and services introduction activities of Vietcap and its partner services.
- f. Contacting customers to exchange information or provide documents related to transactions and the use of products and services at Vietcap.
- g. Notifying customers of obligations, rights, feature changes, improvements, enhanced utilities, and product and service quality.
- h. Preparing financial reports, activity reports, or other relevant reports as required by law.
- i. Conducting market research, surveys, and data analysis related to products or services provided by Vietcap (whether conducted by Vietcap or third parties with whom Vietcap collaborates) relevant to customers.

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- j. Protecting Vietcap's legitimate interests and complying with relevant laws, including but not limited to collecting fees, charges, and/or recovering debts or resolving complaints and dispute procedures or per agreements between the customer and Vietcap.
- k. Preventing or minimizing threats to the life, health, and public interest of others.
- l. Adhering to Vietcap's internal policies, procedures, and all rules, regulations, instructions, directives, or requirements issued by competent state agencies in accordance with legal provisions.
- m. Evaluating proposals related to rights, benefits, or obligations under the contract(s) between the customer and Vietcap.
- n. Serving other purposes related to Vietcap's business activities as deemed appropriate by Vietcap from time to time.
- o. Managing and recording calls and electronic communications with customers and other relevant parties.
- p. Detecting, preventing, and investigating crimes, attacks, or violations, including fraud, anti-money laundering, terrorist financing, bribery, corruption, or tax evasion.
- q. Providing customer data to service providers/partners of Vietcap for customer service purposes and/or as per Vietcap's agreements.
- r. For audit, risk management, and compliance purposes.
- s. For any other purpose required or permitted by law, regulation, guideline, and/or state authority.
- t. In any other manner notified by Vietcap to the customer at the time of data collection or before initiating related processing, or as otherwise required or permitted by applicable law.
- u. Vietcap will seek permission from the customer before using their personal data for purposes other than those stated in these Terms.

### *5.3 Processing of Personal Data in Special Cases*

Surveillance camera (CCTV) footage may be used for:

- i. Quality assurance
- ii. Public safety and employee safety
- iii. Detection and prevention of suspicious, inappropriate, unauthorized use of facilities, products, services, and facilities
- iv. Detection and prevention of criminal acts
- v. Investigation of incidents

Vietcap respects and protects the personal data of children. In addition to personal data protection measures mandated by law, Vietcap will verify a child's age and seek consent from either (i) the child or (ii) the child's father, mother, or guardian as prescribed by law before processing children's personal data.

For personal data related to missing or deceased individuals, Vietcap will seek consent from one of the relevant parties in accordance with prevailing law, in addition to complying with other relevant legal regulations.

## **Article 6: Transfer and Sharing of Personal Data**

### *6.1 Data Transfer and Sharing*

Vietcap will not sell, exchange, or rent customer personal information without their consent in accordance with the prevailing law. However, to fulfill the purposes and personal data processing activities described in these Terms, customers agree that Vietcap may share or disclose their personal data or the personal data of related third parties to one or more of the following parties:

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- a. Vietcap may share customer personal data with its employees and departments, as well as with Vietcap's affiliated companies, for the purposes stated in these Terms, conditions, and contracts, or agreements signed between the customer and Vietcap.
- b. Vietcap may share customer personal data with competent state agencies in Vietnam or with individuals, regulatory agencies, or third parties to whom Vietcap is authorized or required to disclose information by the laws of any country or under any contract, agreement, or commitment between a third party and Vietcap.
- c. Business partners, reward providers, gift providers, co-branders, loyalty program participants, co-hosts, advertisers, charities, or non-governmental profit organizations, and any related entities for the purpose of operating and implementing Vietcap's business activities, the deployment of systems, applications, equipment, or the provision of products chosen by the customer or for purposes stated herein.
- d. Any individual or organization involved in exercising or maintaining any rights or obligations under agreements between the customer and Vietcap.
- e. Third parties with whom the customer agrees or for whom Vietcap has a legal basis to share personal data.

## 6.2 Data Confidentiality

Vietcap treats customer personal data as private and confidential. Besides the parties listed above, Vietcap will not disclose customer personal data to any other party except in the following cases:

- a. With the customer's consent.
- b. When Vietcap transfers rights and obligations according to agreements between the customer and Vietcap or in compliance with legal provisions.
- c. In other cases as required by legal regulations.

## Article 7: Customer Rights and Obligations Regarding Personal Data

Customers have the following rights:

- i. Right to be informed
- ii. Right to consent
- iii. Right to access
- iv. Right to withdraw consent
- v. Right to data deletion
- vi. Right to restrict data processing
- vii. Right to provide data
- viii. Right to object to data processing
- ix. Right to file complaints, reports, and lawsuits
- x. Right to seek compensation for damages
- xi. Right to self-defense and other related rights as per the law.

Customers are responsible for:

- a) Protecting their personal data and requiring other relevant organizations and individuals to do the same.
- b) Respecting and protecting the personal data of others.
- c) Providing complete and accurate personal data when granting consent to Vietcap for personal data processing.
- d) Promoting and disseminating personal data protection skills.
- e) Complying with legal regulations on personal data protection and participating in the prevention and fight against violations of personal data protection regulations.

For security purposes, customers may need to make requests in writing or use other methods to prove and authenticate their identity. Vietcap may require customers to verify their identity before processing their requests.

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In the event that a customer withdraws consent, requests data deletion, or exercises other related rights with regard to any or all of their personal data, and upon the customer's request, Vietcap may consider not continuing to provide Vietcap products and services due to the inability to meet the standards/quality of products and services. This determination will be made by Vietcap or as required by legal regulations, as collecting customer personal data when providing products and services is deemed necessary.

In the event that Vietcap decides not to provide products or services to the customer, the actions taken by the customer as outlined in this regulation will be considered a unilateral termination of the customer's relationship with Vietcap, which may result in a breach of obligations or commitments under the contract or agreement between the customer and Vietcap. In such cases, Vietcap reserves its legal rights and remedies.

Vietcap will not be responsible for any losses incurred by the customer, if any, and Vietcap's legal rights will be expressly reserved to limit, restrict, suspend, cancel, terminate, prevent, or prohibit. Customers should be aware that due to the specific nature of Vietcap's operations, the law may require Vietcap to retain customer information in certain cases, and as such, Vietcap may be unable to fulfill the customer's request to delete data if doing so would violate the law.

In case of changes or updates to personal data, the customer is responsible for promptly notifying Vietcap so that necessary changes and updates can be made. Any delay in this notification will be the customer's responsibility, and Vietcap will not be liable for any damages or risks arising from such delay.

With reasonable efforts, Vietcap will comply with customer requests to access or correct personal data within 72 hours of receiving a duly completed and proper request, along with any processing fees (if applicable), subject to Vietcap's right to invoke any exemptions and/or exceptions under the law.

## **Article 8: Security of Customer Personal Data**

The processing of personal data may pose risks of data leakage or inappropriate data processing. Recognizing the importance of protecting personal data, Vietcap considers information to be a valuable asset and places great importance on ensuring the safety of customer personal data. Vietcap regularly reviews and updates its management and technical measures for processing customer personal data.

Vietcap employees receive training on handling personal data safely and with the utmost respect. Violations will result in disciplinary action.

During the collection and processing of personal data, Vietcap and related parties (if any) will apply appropriate technical and security measures to protect customer personal data in accordance with legal regulations. However, customers understand and agree that there will always be potential risks and dangers associated with the processing of personal data, including but not limited to data leaks, distribution, or exploitation. Vietcap does not guarantee that its technical systems and security measures will be immune to damage, viruses, attacks, interruptions, or external factors beyond its control. Therefore, in such cases, customers agree that Vietcap and related parties (if any) will not be held responsible for any damages or risks to customers and third parties.

## **Article 9: Storage of Personal Data**

Vietcap is committed to maintaining the confidentiality of customer personal data. We will take reasonable measures to ensure the protection of customer personal data while it is in our custody.

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Customer personal data will be stored by Vietcap for the duration necessary to fulfill the purposes outlined in agreements, contracts, and documents signed by the customer with Vietcap, and in accordance with these Terms, unless the retention period is limited by law. In cases where it is required or permitted by the customer and applicable legal regulations, Vietcap may retain personal data for a longer period.

It is important to note that Vietcap may retain a copy of personal data under the following circumstances: (i) when required by law, regulation, rule, legal process; (ii) to comply with internal procedures; or (iii) when data is saved as electronic data through an automatic backup procedure.

#### **Article 10: Amendment of Terms**

Vietcap reserves the right, at its sole discretion, to change, modify, add, or remove the contents of these Terms at any time. Customers will automatically be considered to have accepted these amendments and supplements in their entirety if Vietcap provides notice of such changes through various means, including but not limited to notices on electronic information pages (websites), transaction information systems, applications, or notifications sent to customers. By continuing to use Vietcap's services/products and/or conducting transactions after such changes, customers acknowledge their acceptance of the amended Terms.

#### **Article 11: Contact Information for Privacy Rights and Personal Data Processing**

If customers have concerns or questions about these Terms or issues related to their data subject rights or the processing of their personal data, they can contact Vietcap using the following information:

Address: Bitexco Financial Tower, 15th floor, No. 2 Hai Trieu, District 1, Ho Chi Minh City, Vietnam

Phone: (+84) 28 3914 3588

Email: [info@vietcap.com.vn](mailto:info@vietcap.com.vn) / [customerservice@vietcap.com.vn](mailto:customerservice@vietcap.com.vn)

Website: <https://www.vietcap.com.vn>

#### **Article 12: Implementation Provisions**

These provisions take effect from July 1, 2023. These Terms are an integral part of documents, contracts, and agreements entered into and/or confirmed by customers with Vietcap. Matters not specified in these Terms will be implemented in accordance with the contract, Securities Trading Terms and Conditions, legal regulations, instructions of competent authorities, and/or other effective agreements between customers and Vietcap as they may evolve over time.

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