

## United States of America

Bank of America Corporation; Bank of America, National Association; Merrill Lynch, Pierce, Fenner & Smith Inc; BofA Securities, Inc; U. S. Trust Company of Delaware; Countrywide Home Loans Inc.; Merrill Lynch Life Agency Inc; Financial Data Services LLC; ReconTrust Company National Association; Specialized Lending LLC; Merrill Lynch Commodities Inc; Managed Account Advisors, LLC; Banc of America Public Capital Corp; Healthlogic Systems Corporation; Banc of America Preferred Funding Corporation

### CONTRACTOR DATA PROTECTION NOTICE

#### I. INTRODUCTION

The legal entity to which the contractor is appointed to (as set out above), and its affiliates and branches operating in the United States (collectively, the “Company”) have prepared this Contractor Data Protection Notice (“Notice”) to outline its practices regarding the collection, use, storage, transfer and other processing of individually identifiable information about contractors (“Personal Data”). For the purposes of this Notice, “Contractor” means any individual who does or has provided services on a third party basis for the Company and includes, for the purposes of interpretation only, Vendor Contractors. The Company also may provide to Contractors additional data protection or privacy notices from time to time. Nothing in this Notice creates an employment relationship between the Contractor and the Company.

#### II. PERSONAL DATA COLLECTION AND PURPOSES OF USE

The effective running of our business requires the Company to collect, use, store, transfer and otherwise process certain Personal Data. The Company only collects Personal Data that is directly relevant to its business, required to meet its legal obligations, or otherwise permissible to collect under local laws. Listed in [Appendix A](#) of this Notice are the categories of Personal Data that we collect and the purposes for which we use the data that we collect (except where restricted by local law). We may receive Personal Data from you and from other sources including but not limited to your previous or current employer, colleagues, assignment managers, supervisors, references, background check providers and public sources.

Contractor is responsible for the content of the information you provide the Company and must ensure it is legal, honest, truthful, accurate and not misleading in any way. Contractor must ensure that the information provided does not contain material that is obscene, blasphemous, defamatory, infringing on any rights of any third party, or otherwise legally actionable by such third party.

Collection, use, processing, disclosure or international transfer of Personal Data may be by automated or manual means, including by hard-copy or soft-copy documents or other appropriate technology.

The Company does not sell Contractor Personal Data to third parties.

#### III. DATA STORAGE AND ACCESS BY COMPANY PERSONNEL

The Company maintains an automated record of the Personal Data of the Contractor. The Company maintains these records in a secure environment including in the Company’s HR Information System,

other Contractor tracking systems, and other Company case management systems (background screening, physical access, incident management, etc.). Personal Data may be stored in the Contractor's home jurisdiction and/or in other jurisdictions in which the Bank has operations.

Where permitted by applicable law, access to Personal Data is restricted to those individuals who need such access for the purposes listed in [Appendix A](#), including but not limited to members of the Human Resources Department and the managers in the Contractor's line of business, and to authorized representatives of the Company's internal control functions such as Compliance, Risk, Chief Administrative Office, Information Security, Background Screening Investigations, Corporate Security, Audit and Legal. Access may also be granted to others when there is a business necessity and where permitted by applicable law.

#### **IV. DISCLOSURE**

Given the global nature of the Company's activities, the Company may (subject to applicable law) transmit for the purposes described in this Notice, to the affiliates belonging to the Bank of America Corporation group or operations located in other jurisdictions where data protection laws may not provide an equivalent level of protection to the laws in the Contractor's home jurisdiction. The affiliates belonging to the Bank of America Corporation group are listed at the link below. The listing is available upon request for new contractors who do not yet have access to the internal site. [http://legal.bankofamerica.com/client/lines\\_business/cso\\_subsidary\\_listings.asp?which=A](http://legal.bankofamerica.com/client/lines_business/cso_subsidary_listings.asp?which=A).

The Company may disclose, in accordance with applicable law, Personal Data to certain third parties in connection with the provision of services to the Company. Where the processing of Personal Data is delegated to a third-party data processor, such as those listed in [Appendix A](#), the Company will delegate such processing in writing, choose a data processor that provides sufficient guarantees with respect to technical and organizational security measures, such as data protection and information security requirements, govern the relevant processing and ensure that the processor acts on the Company's behalf and under the Company's instructions.

Personal Data also may be disclosed, where permitted by applicable law, in connection with a corporate restructuring, sale, or assignment of assets, merger, divestiture, or other changes of the financial status of the Company or any of its subsidiary or affiliated companies. Personal Data also may be released to protect the vital interests of Contractors, to protect the legitimate interests of the Company, or in the Company's judgement to comply with applicable legal or regulatory obligations and regulatory inquiries or requests.

#### **V. SECURITY**

The Company maintains appropriate technical and organizational measures to protect against unauthorized or unlawful processing of Personal Data and/or against accidental loss, alteration, disclosure or access, or accidental or unlawful destruction of or damage to Personal Data.

#### **VI. DATA PROCESSING AND RETENTION**

The processing of Personal Data is carried out with the aid of manual and electronic tools.

The Company will maintain Personal Data for as long as it is required to do so by applicable law(s) or for as long as necessary for the purposes of use and processing in Section II, whichever is longer. Any maximum storage term set forth by applicable law will prevail. The Company will delete Personal Data after the applicable retention period.

The criteria used to determine our retention periods include:

- As long as the Company and Contractor have an ongoing relationship;
- As long as the Contractor is provisioned access to the Company network and/or physical access to a Company facility;
- As required by a legal obligation to which the Company is subject; and
- As advisable in light of the Company's legal position (such as in regard of applicable statutes of limitations, litigation, or regulatory investigations).

## **VII. CHANGES TO THIS NOTICE**

Should the Company substantially modify the manner in which it collects or uses Personal Data, the type of Personal Data it collects or any other aspect of this Notice, it will notify Contractors as soon as reasonably possible by issuing a revised Notice or taking other steps in accordance with applicable laws, including obtaining Contractor consent where required.

## Appendix A

**The categories of Personal Data we may Collect, Use, Transfer And Disclose where permitted by applicable law:**

- **Background information provided by the employer of record (e.g. agency, consultancy):** Pre-contract references; employment history; language(s) spoken; I-9 documentation; voice and video recordings
- **Contract and Job Information:** Job title and/or position and description of responsibilities/duties; job family; location; band/seniority; Contractor Identifiers; department; line and sub-line of business; cost center information; Contractor dates; supervisor/manager/team lead name and contact information; work contact information; termination of contract details
- **Personal Demographic Information:** Date and place of birth; gender; name (including birth last name and any other former names)
- **Diversity and Inclusion:** Veteran status, race, ethnicity, age, sexual orientation, gender, gender identity, and gender expression
- **Visa / Citizenship Details:** Work eligibility status; citizenship; passport information; National ID, Nationality
- **Work and Personal Contact Details:** Address, telephone, email and emergency contact details including family and other dependent data
- **Payroll:** Social Security Number or other tax identifier number; attendance data; shift and overtime data; Governmental forms, e.g. IRS W2 tax form
- **Expense Management Information:** Travel related personal preferences, passport information
- **Life Events Additional Documentation:** Personal circumstances; Restraining Orders
- **Absence Data:** Absence details e.g. sickness, holiday and maternity leaves
- **Physical Security and Life Safety Data:** Swipe card entry data; security cameras; photograph (Security ID Card); accident and incident reporting; biometrics e.g. fingerprints and iris scans
- **Compensation:** Compensation information (including base salary, market rates, incentive payments)
- **Education and Training:** Academic record, professional qualifications and memberships; professional training; Company internal training; voice and video recording
- **Regulatory Data (where applicable):** Licenses and certifications; financial regulatory registration; voice recording
- **Performance/ Development Plans:** Performance related information (including assessments and ratings (results rating, behavior rating, potential rating), performance goals description, key competencies description)
- **Feedback / Compliance / Legal Management:** Areas for development, coaching notes, feedback from others, self-assessment description, manager review description, performance expectations, measurement criteria, action dates, manager progress notes; career development information; contract disciplinary record, activities and investigations; information pertaining to any grievances raised; termination reason
- **Technical Information:** Including username and passwords, IP address, domain, browser type, operating system, Self-service Password Management, click-stream data and system logs and electronic and non-electronic content and documents created or produced by Contractor using Company systems or in the performance of your role with the Company
- **Securities and Stock Trading:** Details of outside business activities and directorship(s) (where relevant for contract-related purposes); securities and stock trading activity/experience (where relevant for contract-related purposes); spouse, partner and child broker account details

- **Sensitive Personal Data:** Information regarding physical and/or mental health (if required to make reasonable adjustments or engage in communications related to the disability accommodations process), race and/or ethnic origin, criminal history or unlawful behaviour for recruitment and pre-employment screening purposes and for assessment of registration and licensing requirements, biometric data, such as fingerprints and iris scans, for the purposes of electronic identification, authentication and corporate security; eye color, hair color, height, weight (to facilitate fingerprint background screening process), information relevant to a security threat, to protect against deceptive, fraudulent or illegal activity, or other incident investigation

#### **The Purposes for Which the Company May Collect, Use, Transfer and Disclose Personal Data:**

- **Administering and managing the contractor relationship, general administration and budgeting; marketing company products; expense management; preparation, management, and use of an internal business telephone/e-mail directories**
- **Recruiting activities and talent management**
- **Authentication/identification of Contractors** (e.g. for help desk, security)
- **Human resources information systems and application support and development**
- **Information technology and information security support** (including firewall monitoring, anti-spam and virus protection, and other monitoring, for example in accordance with the Company's Cyber Security Monitoring Notices)
- **Management of internal business operations** (including monitoring compliance with Company policies and procedures, for example in accordance with the Company's Cyber Security Monitoring Notices)
- **Payroll and compensation management, administration and processing**
- **Complying with applicable local, state, federal or foreign state and country specific tax and immigration laws and regulations, payroll reporting and other reporting requirements,** (including the requirements of the United States Sarbanes-Oxley Act or other applicable internal control regulations and in such areas as immigration, tax or statutory financial regulation), not limited to but including business travel, and other legal obligations
- **Training, advice and counseling purposes**
- **Contractor performance and productivity reviews/assessments and general performance management**
- **Defending, preparing for, participating in and responding to potential legal claims, investigations and regulatory inquiries** (as permitted by applicable law)
- **Disciplinary actions/investigations** (as permitted by applicable law)
- **Client and customer service and marketing activities** (including but not limited to inclusion in internal and external internet and intranet sites, marketing materials, event management materials, deal documents, pitch books and as required to provide services and products to our clients)
- **Managing relationships with clients and other third parties** (including licensing and registration bodies, legal counsel, stock exchanges, or business counterparties)
- **Conducting background screening** (including verifying criminal history, employment, education, credit and litigation history, bankruptcy, directorships, sanctions, politically exposed persons, financial regulatory and media checks)
- **Physical identity access management**
- **Incident management** (including threat investigations, medical emergencies, and crisis reporting)
- **Post-contract purposes** (for example, assessing rehire eligibility, and any of the purposes listed above that may be applicable during the post-contract period)

## **The Categories of Unaffiliated Third Parties With Whom the Company May Share Personal Information**

- **Professional Advisors:** Accountants, auditors, lawyers, insurers, bankers, tax advisors and other outside professional advisors in all of the countries in which the Company operates
- **Service Providers:** Other Companies that provide products and services to the Company in the countries in which the Company operates, such as payroll; life event assistance services, human resources services, recruitment and training providers; performance management, training, expense management, IT systems suppliers and support; reception and security, catering and logistics services providers, translation services, third parties assisting with event organizing and marketing activities, medical or health practitioners, trade bodies and associations, background screening providers, and other service providers
- **Public and Governmental Authorities:** Entities that regulate or have jurisdiction over the Company in the countries in which the Company operates, such as regulatory authorities, law enforcement, public bodies, licensing and registration bodies, judicial bodies and third parties appointed by such authorities
- **Parties Related to a Corporate Transaction:** A third party in connection with any proposed or actual reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of the Company's business, assets or stock (including in connection with any bankruptcy or similar proceedings), e.g., stock exchanges and business counterparties