

## 1. General

This privacy policy sets out the policies and practices of SmarTone Group (“SmarTone”) in the collection, use, sharing and protection of customers’ personal information. In this privacy policy, “personal information” or “personal data” shall have their corresponding meanings under the applicable laws and regulations. Certain terms of this privacy policy are only applicable if you are located in or if you are a resident in a particular jurisdiction. SmarTone may update or change this policy and these changes will be posted in SmarTone’s website.

## 2. Collection of Customer’s Personal Information

- a) For the purpose of carrying on SmarTone’s business including sale, provision, registration and advertisements of SmarTone’s telecommunications and related products and services, SmarTone will collect your personal information when you:
  - (i) purchase a product from SmarTone through the telephone, online, mobile application, in a SmarTone store or through SmarTone’s authorized dealers or agents or through other SmarTone operated or authorized platforms or channels;
  - (ii) subscribe or register a service of SmarTone (including registration or subscription of the service at a SmarTone store, through the telephone, online, mobile application or through SmarTone’s authorized dealers or agents or through other SmarTone operated or authorized platforms or channels);
  - (iii) register and use Near Field Communication mobile payment services which are provided by third party financial institutions;
  - (iv) update your personal information in relation to your registration or subscription to SmarTone’s services;
  - (v) enquire information about a product or service from SmarTone;
  - (vi) contact SmarTone with an enquiry or complaint;
  - (vii) enter any promotions, competitions, prize draws through SmarTone’s services;
  - (viii) use SmarTone’s products or services;
  - (ix) take part in market research; or
  - (x) visit or browse SmarTone’s websites, mobile applications or social media accounts (e.g. WeChat public account).
- b) SmarTone may also collect information about you from other organizations including general business directories and credit information or reference bureau necessary to establish and support the payment of any services being requested by you.
- c) SmarTone may also collect from you the personal information of other persons (e.g. guarantors, referrers) for the purposes mentioned in this privacy policy. You shall confirm to SmarTone that you have obtained the relevant consent from such persons when providing their personal information to SmarTone.
- d) SmarTone may also collect information indirectly from you when you use SmarTone’s services including but not limited to when you:
  - (i) visit or browse SmarTone’s websites, mobile applications or social media accounts (e.g. WeChat public account);
  - (ii) browse or otherwise access the Internet, WAP sites and/or the mobile internet through SmarTone’s services;
  - (iii) use SmarTone’s networks (mobile / broadband or others).

## 3. Types of Personal Data Collected

- a) For the purpose of carrying out SmarTone’s business including sale, provision, marketing, registration and administration of SmarTone’s telecommunications and related products and services (including relevant on-line products and services), the personal information that SmarTone collects includes but is not limited to the following:
  - (i) your name;
  - (ii) service installation address, correspondence address and/or billing address;

- (iii) account details, including account numbers, service numbers or user accounts, or social media account information;
  - (iv) payment details for handling payment matters including **credit card information, bank account and other banking information**;
  - (v) contact details, including contact name and fixed and mobile telephone number and email address;
  - (vi) your date of birth;
  - (vii) information for the verification of your identity, including **identification type, identity proof and identification number**;
  - (viii) your preferences for particular products, services or your hobbies and leisure activities;
  - (ix) a note or recording of a call that you made to SmarTone's hotlines;
  - (x) an email or letter you send to SmarTone; and other records of any contact you have with SmarTone;
  - (xi) your account information, such as dates of payment, top-up information, the service plans you have subscribed; and any other information relating to your account.
- b) In support of the telecommunications and other products and services provided by SmarTone, and for analysing and enhancing user experience, information may be automatically collected by SmarTone or its service providers on how you use SmarTone's products and services and SmarTone's websites and other platforms, including but not limited to:
- (i) the telephone numbers and/or email addresses of calls, texts, MMS, emails and other communications made and received by you and the date, duration, time, origin and destination and cost of such communications;
  - (ii) your browser type and version, searching and browsing history (including websites you visit), IP address, device type and identifiers and location data;
  - (iii) internet PC location for broadband, address location for billing, delivery and installation;
  - (iv) the background **geo-location** (i.e. GPD data) when using SmarTone Care App;
  - (v) information about user behaviour such as browsing pattern, duration and preference, visitor counts and statistics, preferred language, user interactions, response rates, etc.

SmarTone may use cookies and other analytic technologies across its websites and other platforms in order to track usage information and improve their performance and enhance user experience. You may disable cookies on your web browser but if you do so, you may not be able to access certain areas or features of our websites.

- c) In certain situations, you may need to provide personal data of other individuals to SmarTone, for example, of other users under a mobile subscription "family plan" or for send-a-friend promotions. By providing SmarTone with such personal data, you represent to SmarTone that you have obtained those individuals' authorisation and/or consent to the use, disclosure and transfer of personal data from you to SmarTone and from SmarTone to third parties and possible disclosure of the individual's details (including information on service usage) by SmarTone to you.
- d) If you choose not to provide your personal data, SmarTone may not be able to provide you with its products or services or carry out the activities mentioned in this policy.
- e) SmarTone will not knowingly collect personal information of minors under the age of 14. Where it is necessary for SmarTone to collect personal information of such minors, we will seek the consent of their parents or guardians.
- f) If you reside or are located in Mainland China, SmarTone may process certain categories of sensitive personal information (as in bold above) in accordance with the applicable laws in Mainland China.

#### **4. Use of Customers' Personal Information**

SmarTone may use and analyse your information for purposes including but not limited to:

- (i) the daily operation of SmarTone's services;
- (ii) verifying your identity and conducting credit checks when required;
- (iii) designing services or products for customers' use;
- (iv) processing your order and providing the products and services that you have bought from SmarTone and keeping you updated with the progress of your order;

- (v) keeping you updated of SmarTone's latest offers or promotions;
- (vi) marketing products and services (in respect of which SmarTone may or may not be remunerated) in the manner set out in the "Direct Marketing" section below;
- (vii) assisting you with any products or services enquiries, including investigating and resolving service affecting issues and dealing with any billing queries you may have;
- (viii) billing you for using SmarTone's products or services;
- (ix) protecting SmarTone's network including managing the volume of calls, texts, data and other use of SmarTone's network;
- (x) analysing usage of SmarTone's network, websites and other platforms, products and services by you and other users so that SmarTone can further improve and/or customise its offerings;
- (xi) carrying out research, statistical and behavioural analysis, and monitoring and analysing customer use of SmarTone's network, websites and other platforms, products and services on an anonymous or depersonalised basis;
- (xii) assisting in fraud and crime investigation and prevention;
- (xiii) enforcement of legal rights, debt tracing, debt recovery and credit management;
- (xiv) contacting you if necessary;
- (xv) using your geo-location in connection with SmarTone's services.

## **5. Retention of Personal Data**

SmarTone will destroy any personal data it may hold in accordance with its internal policy. Personal data will only be retained for as long as SmarTone needs it for the purposes of use stated in this policy (and directly related purposes) unless the personal data is also retained to satisfy any applicable statutory, regulatory or contractual obligations or for the purpose of investigation, detection and prosecution of crime.

## **6. Disclosure and Sharing of Personal Data**

- a) All personal data held by SmarTone will be kept confidential but SmarTone may disclose information about you to the following parties to use, disclose, process or retain your personal data for the purposes mentioned above and any other purposes indicated in this paragraph below:
  - (i) companies in the SmarTone Group, including S Rewards Limited (operator of SmarTone Plus loyalty programme) and Sun Hung Kai Real Estate Agency Limited (operator of The Point integrated loyalty programme);
  - (ii) contractors, agents or suppliers who are involved in delivering the products and services you have ordered or used;
  - (iii) any banking or financial institutions, charge or credit card issuing companies, payment service providers;
  - (iv) credit information or reference bureaux;
  - (v) debit-collection agencies or other debt-recovery organizations;
  - (vi) emergency services (if you make an emergency call), including your approximate location;
  - (vii) professional advisers (which shall include lawyers and auditors);
  - (viii) any agent, contractor or third party service provider who provides administrative, telecommunications, computer, payment, data analytics, behavioural and usage analytics, or other services to SmarTone in connection with the operation of its business;
  - (ix) law-enforcement or government bodies, regulatory bodies, courts or as permitted or required by law;
  - (x) any person to whom SmarTone is under an obligation to make disclosure under the requirements of any law binding on SmarTone or under and for the purposes of any guidelines issued by regulatory or other authorities with which SmarTone is expected to comply;
  - (xi) third party reward, loyalty and privileges programme providers;
  - (xii) external service providers (including but not limited to mailing houses, telemarketing and direct sales agents, call centres, data processing companies and information technology companies) that SmarTone engages for the purposes set out in paragraph 4;
  - (xiii) (applicable to Near Field Communication mobile payment services) third party service providers of Near Field Communication services ("NFC Services") including financial institutions the following information:
    1. information about the current status of your mobile accounts, including but not limited to activation, suspension, termination and resumption of the mobile telephone number assigned to the SIM Card with NFC Services ("NFC SIM Card"); or reported loss of the NFC SIM Card or of a device with the NFC SIM Card installed, or replacement of the

- NFC SIM Card; or new number in the event of any change of the number assigned to the NFC SIM Card.
2. any other information as may be required by the service providers of NFC Services from time to time.
- (xiv) sharing your geo-location with you and/or any person authorized / nominated by you to receive the geo-location information in connection with SmarTone's services.
- b) SmarTone may promote or refer to online stores or websites operated by its business partners or other third parties on SmarTone's website. If you want to use or order any services or products from them and click on their links, any information that you provided which is transferred to them will be beyond SmarTone's control. SmarTone takes no responsibility over such links. You are advised to study their privacy policies.

## **7. Direct Marketing**

- a) SmarTone intends to use your personal data such as your contact details, including contact name, fixed and mobile telephone number, email address, correspondence address and other information such as information about the products or services you have viewed online or purchased and your location data so that SmarTone and/or its business partners can send you information, materials, products, offers and news about the following products and services (in respect of which SmarTone may or may not be remunerated):
- (i) all products or services by SmarTone including its online platforms, mobile applications, mobile voice and data communications, IDD/roaming, entertainment and information services, Internet connectivity and data communications on the Internet;
  - (ii) reward, loyalty or privileges programmes and related products and services; and
  - (iii) products and services offered by SmarTone's business partners including travel, dining, entertainment, apparel, health & beauty, education, household, transportation, banking, insurance and other consumer products and services.

SmarTone will seek your consent or indication of no objection before SmarTone uses your personal data in direct marketing.

- b) You may opt out (free of charge) from receiving direct marketing communications at any time in writing by one of the contact methods stated in paragraph 10(c) below or by other means stated in SmarTone's websites or other platforms from time to time.

## **8. Security of Personal Data**

- a) SmarTone has adequate measures to protect your personal information from unauthorized access, accidental loss or destruction.
- b) If SmarTone has a contract with another third party organization to provide a service on its behalf, SmarTone will ensure they have appropriate security measures and only process your information as SmarTone has authorized. Those organizations will not be entitled to use your personal information for their own purposes. SmarTone will take reasonable steps to check these organizations to make sure that they are meeting the security requirements set by SmarTone.

## **9. Transfer of Personal Data Outside of Hong Kong or your usual place of residence**

At times it may be necessary and/or prudent for SmarTone to transfer your personal data to other jurisdictions outside Hong Kong or your usual place of residence to those persons and for the purposes mentioned in this privacy policy. SmarTone will take steps to ensure that your personal information is used by such third parties in accordance with this policy. If you are located in or are a resident in Mainland China, you may contact us (by the contact methods below) for further information about the recipients (if any) of your personal information outside Mainland China.

## **10. Your Privacy Rights**

- a) In accordance with the Personal Data (Privacy) Ordinance ("the Ordinance") and subject to exemptions specified in the Ordinance, you have the right to:
- (i) check whether SmarTone holds personal data about you and to receive copies of such data;
  - (ii) require SmarTone to correct any personal data relating to you which is inaccurate; and
  - (iii) ascertain SmarTone's policies and practices in relation to personal data and to be informed of the kind of personal data held by SmarTone.

You may have other rights in relation to your personal information under other applicable laws.

- b) In accordance with the Ordinance and other applicable laws, SmarTone has the right to charge a reasonable fee for processing a data access request.

- c) Requests for access to personal data, correction of personal data, information relating to the kind of data held and to stop receiving or re-start receiving direct marketing, may be made in writing to:

The Data Protection Officer  
SmarTone Mobile Communications Limited / SmarTone Communications Limited  
P.O. Box 68864, Kowloon East Post Office, Kowloon

Please identify yourself with your name and contact number when writing to the Data Protection Officer.

#### 11. **Privacy Policy Published at SmarTone website**

This Privacy Policy is subject to change from time to time without prior notice and any changes will be posted on SmarTone's website [smartone.com](http://smartone.com). You are advised to check for the latest version regularly.

If there is any inconsistency or conflict between the version posted on the website and the previous versions, this version shall prevail. All handling of personal data will be governed by the most recent version of the policy. If there is any inconsistency or conflict between the English and Chinese versions of this Privacy Policy, the English version will prevail.

For the purpose of this Privacy Policy "SmarTone Group" means SmarTone Telecommunications Holdings Limited, its holding company and any company which is a subsidiary or affiliate of SmarTone Telecommunications Holdings Limited. Companies in the SmarTone Group shall include, without limitation, SmarTone Mobile Communications Limited, SmarTone Communications Limited and S Rewards Limited.

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