

Appendix A – Data Protection and Marketing Regulatory Considerations for the European Union

Notes: Soft opt-in rules, denoted with a “*” within the consent for marketing columns below, generally allow marketing communications regarding “similar products or services” to be sent to individuals who provided their email/mobile number information “through the course of a sale.” Additional definitions include the following: MPS = Mail Preference Service | TPS – Telephone Preference Service | FPS = Fax Preference Service | EPS = e-mail Preference Service | MTPS = Mobile Telephone Preference Service

| Country | Controller/Processor Notations | Cross-border transfer notations | “Consent” | Consumer | Business | Suppression Lists |
|---------|---|---|---|--|---|--|
| Germany | Federal Data Protection Commissioner is responsible for Privacy in Federal, Postal, and Telecommunications whereas Länder are responsible for privacy issues at the state and Controller levels. Registration with Data Protection Authority (DPA) is required for processing of Personal Data. Data Controllers must appoint a Data Protection Officer (DPO) if more than 9 employees and who permanently deal with the automated processing of Personal Data. Processing of sensitive data must be reviewed by the internal DPO or DPA. Controllers are responsible for the data collection purposes, the use of data, and the manner in which data is collected. “Processing” is broadly defined to include the acquisition, use, storage, modification, communication, blocking, and erasure of Personal data. Section 28 of the BDSG provides that processing is generally permitted provided that specific legal requirements of notice and consent are followed. Other than as outlined, processing of personal data is not permissible unless done with explicit permission of BDSG, other permissible legal provisions, or with data subject’s explicit consent. | Cross border data transfers via adequacy determination, BCR and Model Clauses are permissible and do not require Commission approval. | Consent must be unambiguous, deliberate, demonstrate the data subject’s free will, and captured in writing or electronic means provided that notice is available to subject at all times. Consumer opt-in for mail covers data collected after September 2009 and all data as of 2012. All personal data processed for marketing purposes (including trading information) requires opt-in consent. Although some exemptions apply to the use of certain types of personal data (e.g., name, title, academic degree, address, date of birth, occupation, industry or business name), which may be used for marketing without consent provided that the marketing promotes the sender's own offers, the data was received directly from the individual or through public records. Business marketing via phone may be opt-out if a previous relationship can be demonstrated. | Mail: Opt-in Phone: Opt-in Fax: Opt-in e-Mail: Opt-in SMS: Opt-in MMS: Opt-in | Mail: Opt-out Phone: Opt-out Fax: Opt-in e-Mail: Opt-in* SMS: Opt-in* MMS: Opt-in* | <u>MPS</u> - Applicable to natural persons only. There are two: "List A" is a blanket list, "List B" supports opt-outs by category <u>TPS</u> <u>EPS</u> <u>FPS</u> <u>MPTS</u> - Legal Requirement, applicable to natural persons and business entities. |

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|---------|--|---|--|--|--|---|
| Spain | <p>Registration of processing activities is not required, although the registration of databases holding personal information is required. Such registrations must contain details of the controller, all processors, purposes of processing and transfers. Any changes to such processing require amendments to the registration. As applicable Controllers must appoint an individual responsible for information security. Personal data collected from publically available sources (defined by law) or provided by data subjects directly may be used for marketing purposes and DPA principles. Processing operations(s) performed on personal data including the collection, recording, organization and deletion via automated or manual means. Notice must be provided to the Data Subject. The general rule for electronic communications is that advanced consent is required, which extends to individuals and legal entities.</p> | <p>Personal data collected from publically available sources (defined by law) or provided by data subjects directly may be used for marketing purposes and DPA principles. Processing operations(s) performed on personal data include the collection, recording, organization and deletion via automated or manual means. Notice must be provided to the Data Subject. The general rule for electronic communications is that advanced consent is required, which extends to individuals and legal entities.</p> | <p>Consent for processing is required provided that data subject understands the processing information presented by controller. Implied consent from processing is acceptable when adequate notice is provided. Soft Opt-in for marketing activities may be permitted in some circumstances. Prior consent is generally required for direct marketing purposes targeting B2C and B2B. Spanish Act on the Information Society Services and e-Commerce 34/2002 governs the rules for Direct Marketing. Marketing campaigns which encourage recipients to visit websites which do not comply with law are prohibited. The Spanish Direct Marketing Association Code requires members to use suppression lists.</p> | <p>Mail: Opt-out Phone: Opt-out Fax: Opt-out e-Mail: Opt-in* SMS: Opt-in* MMS: Opt-in*</p> | <p>Mail: Opt-out Phone: Opt-out Fax: Opt-out e-Mail: Opt-in* SMS: Opt-in* MMS: Opt-in*</p> | <p>Spain implemented a single suppression list for MPS, TPS, and ePS, applicable to B2C only. Use of lists is a condition of membership for Spain's Direct Marketing Association.</p> |

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| Italy | <p>Controllers must register processing activities (Section 38), especially the processing of sensitive information (Title VI section 37 1a and 1b). Registration shall be submitted in advance of the processing, regardless of the number of operations that occur and the duration of the processing. Electronic processing aimed at profiling the data subject must be registered with Garante, except where processing operations as are technically indispensable to deliver said services to subjects. Garante may set out further registration exemptions (Section 37 2). As a general rule express consent is required to process data, however there are exceptions. Processing information for marketing purposes is subject to consent but consent is not required when processing public register data or when processing activities relate to economic activities. However, processing personal data in connection with unsolicited marketing efforts can occur with opt-in consent so long as the data subject if offered the right to opt-out. Decree No.69/2012 amended the code in include legal entities. Non-automated marketing requires prior consent and observation of the opt-out register.</p> | <p>Cross border data transfers may occur under adequacy determination, or if the Garante approves model clauses. Garante also takes specific account of the method of transfer. However, general authorizations may be granted automatically by the Garante as long as the conditions of section 40 are met (section 40 of the DP Code).</p> | <p>The Privacy Code Section 130 requires consent in writing with applicable notice statement. While soft opt-in provisions may apply, implied consent is only acceptable in specific circumstances. Consent for marketing is generally required for marketing and profiling activities. Consent for consumer-marketing activities for mail order and subscription services are opt-out. Consent for business marketing activities via mail is opt-out provided that company is listed in public directories. Legislative Decree No. 69/2012 (implementing the Directive 2009/12/EC) amended the Privacy Code, which was recently clarified to ensure that the Privacy Code was extended to businesses as well as natural persons.</p> | <p>Mail: Opt-out Phone: Opt-out Fax: Opt-in e-Mail: Opt-in* SMS: Opt-in* MMS: Opt-in*</p> | <p>Mail: Opt-out Phone: Opt-out Fax: Opt-in e-Mail: Opt-in* SMS: Opt-in* MMS: Opt-in*</p> | <p>TPS - Legal requirement, applicable to individuals and businesses. Called the 'Public Register of Objections' (Registro Pubblico delle Opposizioni - RPO), the suppression list is organized by the Ministry of Economic Development and managed by 'Fondazione Ugo Bordonì' (FUB), a private company. The register of opposition includes a principle for Direct mail.</p> |

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| France | <p>Controller is responsible for registering with CNIL, unless the controller has appointed a DPO. Chapter 4 Art 22 (III) illustrates that the appointment of a DPO will not remove the requirement to register if the processing includes Cross border data-flows. Controllers must provide notice to data subjects, and complete "Cross border data flows" agreements with third party data processors located in non-EU countries. Chapter 4 Section 1 Art 23 states notifications may be delivered electronically. Processing is broadly defined to cover any operation(s) performed on personal data including the collection, recording, organization, storage, consultation, use, disclosure by transmission, and deletion whether in electronic or physical form. "Fair processing" requirements are applicable to all processing activities.</p> | <p>Cross border data transfers to parties outside of the EU, not completed under the Safe Harbor program or through BCRs must occur via Model Clause mechanism, which requires CNIL approval.</p> | <p>Consent for processing can be expressed, written, oral, implied. Specific expressed consent requirements apply for direct marketing activities associated with electronic channels, where soft opt-in is not available, or for sensitive data or data relating to minors. Mobile communications are covered under Telemarketing rules. The UFMD publishes a code of ethics covering email marketing to B2C and B2B. There are exemptions for opt-in consent for general informational addresses (e.g. - "info@").</p> | <p>Mail: Opt-out Phone: Opt-out Fax: Opt-in e-Mail: Opt-in* SMS: Opt-in* MMS: Opt-in*</p> | <p>Mail: Opt-out Phone: Opt-out Fax: Opt-out e-Mail: Opt-out SMS: Opt-in MMS: Opt-in</p> | <p><u>MPS</u> - Best practice, applicable to individuals only. <u>TPS</u> - Legal Requirement, three lists: "Liste Rouge" communicate intent to suppress from directories and sharing info with third parties, "Liste Orange" suppresses from direct marketing or commercial purposes, while "Pacitel" additionally prohibits the use of landline and mobile phone information.</p> |

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| The United Kingdom | Data controllers in the UK are generally required to notify their processing to the ICO unless exempted. DPO appointment is optional. There is no requirement for data processors to notify but it is considered "good practice. Any changes to processing operations will require the notification to be amended. A simplified notification system was introduced in 2013. Processing is broadly defined to include all acts related to personal information regardless of the equipment or procedures used. It also includes structured manual information and automatic processing. Electronic marketing is governed by the PEC Regulations and requires that automated calling systems require consent. Email marketing to individuals requires opt-in consent. However, if data is collected during negotiations for a sale or during the course of sale, and offers are for similar products and services a soft opt-in may be used. Restrictions on prior consent for email marketing only apply to individuals, not business entities. | Cross border data transfers may occur via adequacy determinations, BCR, Model Clauses or Safe Harbor and do not require Commission approval. | Consent for processing must be clear, cover the specific information in question, include the type of information being processed, and why it is needed. Implied consent and Soft Opt-in for marketing activities may be permissible in some circumstances. Calls are prohibited if the business or individual is on the TPS or has previously objected. Prior consent is required from individuals for fax and is prohibited if a business is on a register or has previously opted-out. The PEC Regulations of 2003 and the Data Protection Act 1998 govern the rules for Direct Marketing and were amended to include opt-in for B2B phone. Opt-in consent is required for email for B2C, but not for B2B. | Mail: Opt-out Phone: Opt-out Fax: Opt-in e-Mail: Opt-in* SMS: Opt-in* MMS: Opt-in* | Mail: Opt-out Phone: Opt-out Fax: Opt-out e-Mail: Opt-out SMS: Opt-out MMS: Opt-out | <u>MPS</u> - Association Requirement, applicable to B2C only, operated by the UK DMA. Use for prospect lists, not against customer lists, unless customers were not told that their addresses would be used for DM or offered an opportunity to opt-out. MPS is administered on an individual level, not according to address. <u>TPS</u> - There are two, one for B2C and another to B2B (known as Corporate Telephone Preference Service). Usage of TPS is a legal requirement in connection with both B2C and B2B activities. <u>FPS</u> - Association Requirement, applicable to B2C and B2B, operated by the UK DMA |

Appendix B – Data Protection and Marketing Regulatory Considerations of Asia Pacific

| Country | Privacy/Data Protection | Cross Border Transfers | Consent | Consumer | Business | Suppression Files |
|-----------|---|--|---|--|--|---|
| China | The collection and use of electronic personal data should be based on informed consent, the use of such information for provisioning marketing communications should be done with the individual's consent, objections to such uses of Personal data must be honored. <i>Additional Provincial requirements may apply.</i> | Unknown | Consent may be implied provided that "notice" is provisioned at the time Personal Data was collected. | Mail: Unknown Phone: Unknown Fax: Unknown e-Mail: Opt-out SMS: Opt-out MMS: Opt-out | Mail: Unknown Phone: Unknown Fax: Unknown e-Mail: Opt-out SMS: Opt-out MMS: Opt-out | Unknown |
| Japan | "Information handlers" who possess and uses personal data for business conducted in Japan must comply with the Act on the Protection of Personal Information. Registration is not a legal requirement although certain entities within financial industry may be required to appoint a Data Protection Officer. As a general rule, entities must specify the purpose for personal data collected and limit such collection and use accordingly unless express consent of individual is obtained. Processing must occur in accordance with Fair Information Processing Principles. | N/A | Consent is required for processing personal data in a manner other than originally described upon collection. | Mail: Unknown Phone: Opt-out Fax: N/A e-Mail: Opt-in SMS: Unknown MMS: Unknown | Mail: Unknown Phone: Opt-out Fax: N/A e-Mail: Opt-in SMS: Unknown MMS: Unknown | |
| Singapore | Organizations must appoint at least one individual responsible for compliance. Registration with the Data Protection Authority is not required. | Organizations may transfer personal data outside of Singapore so long as destination country provides an adequate level of | Consent can be implied or expressly provided, so long as notice was provided to the individual and not made as an | Mail: Unknown Phone: Opt-in Fax: Opt-in e-Mail: Opt-out SMS: Opt-in MMS: Opt-in | Mail: Unknown Phone: Opt-in Fax: Opt-in e-Mail: Opt-out SMS: Opt-in MMS: Opt-in | Singapore is developing a Do Not Call file to include TPS, FPS, MPTS. |

| Country | Privacy/Data Protection | Cross Border Transfers | Consent | Consumer | Business | Suppression Files |
|-------------|--|---|---|--|--|---|
| | Obligations under the Personal Data Protection Act imposed restrictions to ensure processing personal data is reasonable and appropriate, accurate and retained for the shortest duration possible, among others. | data protection under the PDPA. | unreasonable condition of acquiring a product or service. | | | |
| South Korea | Data Handlers (persons, government entities and organizations) must appoint a Data Protection Officer. | In general, Data Handlers may not transfer Personal Data to a third party without the prior consent of a Data Subject. The transfer of Sensitive Financial Information requires written consent from Data Subjects. | Consent is conditioned upon the provision of lawful notice being provided to the data subject. Separate consent is required for the collection of Sensitive Personal Information. | Mail: N/A Phone: Opt-in Fax: N/A e-Mail: Opt-out SMS: Opt-in MMS: Opt-in | Mail: N/A Phone: Opt-in Fax: N/A e-Mail: Opt-out SMS: Opt-in MMS: Opt-in | N/A |
| Hong Kong | The Data Protection Principles imply that organization must appoint a data protection officer to receive redress and deletion requests from individuals. Data protection requirements apply regardless of where Personal Data is collected, used or retained. Processing must comply with 6 data protection principles including, fair processing, accuracy, limited use, secured, notice and access. Additional, more stringent rules apply to the processing of sensitive personal information | Transfers of Personal Data must be for legitimate purposes and comply the with data protection law. | Consent is described as “prescribed’ consent which is commonly understood as meaning voluntarily given and not subsequently withdrawn. | Mail: Opt-in Phone: Opt-in Fax: Opt-in e-Mail: Opt-in SMS: Opt-in MMS: Opt-in | Mail: Opt-out Phone: Opt-out Fax: Opt-out e-Mail: Opt-out SMS: Opt-out MMS: Opt-out | Hong Kong’s Data protection law includes a provision specific to Direct Marketing requiring opt-in across channels, although some exemptions may apply and do not apply to business entities. |