

Bank of America Corporation Privacy Policy for Non-U.S. Consumers 2010

Our privacy commitment to you.

- **Protect Customer Information**
- **Inform on use of Customer Information**
- **Offer choices on the use of Customer Information and honour your choices**
- **Collect, use and process Customer Information respectfully and lawfully**

This document includes information about how Bank of America Corporation manages Customer Information and what actions you can take:

1. **Making the security of information a priority**
2. **Collecting Customer Information about you**
3. **Managing Customer Information about you, including transfers to other countries**
4. **Honouring your choices**
5. **Actions you can take**
6. **Steps to protect information about you**
7. **Other privacy commitments**
8. **Bank of America Corporation companies**
9. **Country-specific information**

This Bank of America Corporation Privacy Policy for Non-U.S. Consumers ("Privacy Policy") covers Customer Information, which means individually identifiable information about a consumer who has a current or former customer relationship with a non-U.S. company of Bank of America Corporation. The term "you" refers to the consumer with whom we have a current or former relationship, and "Bank of America Corporation" or "we" or "us" refers to such non-U.S. company of Bank of America Corporation with whom you have entered into a customer relationship and as applicable other companies within Bank of America Corporation family of companies (see section 8 below for the list of relevant *Bank of America Corporation companies*). You may have other privacy protections, regarding the collection, use, disclosure and processing of Customer Information, described in account documentation or under local laws. To the extent these obligations or local laws apply, we will comply with them with regard to our information practices.

Please note that you may receive company specific privacy policies from another company within the Bank of America Corporation family of companies. This Privacy Policy is effective January 1, 2010.

1. Making the security of information a priority

Keeping information secure is one of our most important responsibilities. We maintain physical, technical, electronic and procedural/organisational safeguards and security measures to protect Customer Information against accidental, unlawful, or unauthorised destruction, loss, alteration, disclosure, or access, whether it is processed by us in your local jurisdiction, the United States, or elsewhere. Appropriate employees are authorised to access Customer Information only for the legitimate and specified business purposes described in this Privacy Policy. Our employees are bound by a code of ethics

and other internal policies that require confidential treatment of Customer Information and are subject to disciplinary action if they fail to follow such requirements.

2. Collecting Customer Information about you

We collect, use and process various types of Customer Information about you and your accounts for the following purposes: to service your accounts, save you time and money, better respond to your needs, and manage our business and risks. The Customer Information that we obtain about you may include the following six categories of data to the extent appropriate for your relationship with us:

- **Identification Information** – information that identifies you, such as name, address, e-mail address, telephone number and personal identifiers, such as National Identifier or Social Security number.
- **Application Information** – information you provide to us on applications and through other means that will help us determine if you are eligible for products you request, including assets, income and debt.
- **Transaction and Experience Information** – information about transactions and account experience, as well as information about our communications with you, including account balances, payment history, account usage and your inquiries and our responses.
- **Consumer Report Information** – information from a consumer report, including credit score and credit history.
- **Information from Outside Sources** – information from outside sources other than consumer report information regarding employment, credit and other relationships that will help us determine if you are eligible for products you

request, including employment history, loan balances, credit card balances, property insurance coverage, and other verifications by authorised persons.

- Other General Information – information from outside sources, such as data from public records, that is not assembled or used for the purpose of determining eligibility for a product or service.

As required by applicable anti-corruption and bribery, anti-terrorism, anti-money laundering, and other laws, we also collect information and take actions necessary to verify your identification.

If you provide us with information about third parties (including relatives, guardians and associates), you represent that such information may be communicated to us and further processed by us for the purposes and under the conditions specified in this Privacy Policy. You agree to inform such third parties and obtain their consent to the processing in accordance with this Privacy Policy and any other applicable laws and regulations.

3. Managing Customer Information about you

Managing Customer Information within Bank of America Corporation

Bank of America Corporation may use, process and share any of the categories of Customer Information within and among our affiliated companies, including bank, broker-dealer, credit card and mortgage affiliates and branches around the world to the extent necessary or appropriate to service, maintain or collect on accounts, to process transactions, to service customer requests, and to manage our business and risks.

With your express consent where necessary, and in accordance with any other applicable local requirements, we may occasionally receive medical or health information from a customer, including, where we are providing you with life or health insurance services. We also may obtain information from insurance support organisations not affiliated with Bank of America Corporation. We do not share medical or health information among our affiliated companies, except to maintain or collect on accounts, process transactions, service customer requests, or perform other insurance functions.

Customer Information may also be shared with affiliates and other third parties, as appropriate, in connection with:

- fraud detection, prevention and investigation;
- security;
- recording mortgages in public records;

- risk management, including credit risk analysis; and
- compliance with applicable laws, rules and regulations, including global anti-terrorism and anti-money laundering rules and regulations.

The processing of Customer Information will be adequate, relevant and not excessive in relation to the purposes for which it is collected or further processed. We endeavor to keep Customer Information only for so long as is necessary for the purposes for which it was collected or otherwise lawfully processed, or to meet legal and regulatory requirements.

Managing Customer Information with service providers that work for us

We may share any of the categories of Customer Information with service providers that work for us, including companies located in other countries around the world to the extent necessary to enable them to provide services to us.

All service providers that act on our behalf and receive Customer Information from us are contractually obligated to keep the information we provide confidential, to use such information only to provide the services we ask them to perform, and to otherwise process such information in accordance with our instructions. These service providers may include financial service providers, such as payment processing companies or debt collection agencies, and nonfinancial service providers, such as cheque printing, professional services, technology and data processing companies.

Disclosing Customer Information in other situations

We also may disclose any of the categories of Customer Information to the following third parties, including third parties located in a jurisdiction other than that where your account is held or your relationship is managed or administered, such as countries that may not provide an equivalent level of protection to that of your home jurisdiction:

- to government agencies, self-regulatory organisations, and regulatory and law enforcement authorities as necessary or required by applicable legislation for financial regulatory, anti-terrorism, anti-money laundering, or other compliance purposes; and
- as part of the sale, merger or similar change of a Bank of America Corporation business; and
- to other nonaffiliated third parties as requested by you or your authorised representative, or when required or permitted by applicable law; and
- to intermediaries (such as SWIFT, a global provider of secure

financial messaging services) and other nonfinancial companies such as technology companies to the extent necessary to provide their services to us.

With your express consent where necessary and in accordance with any other applicable local requirements, your Customer Information may also be disclosed to a credit reference, or fraud prevention agency, which may keep a record of that information. These agencies may disclose that information and the fact that a credit search was made, for the purposes of assessing the risk of giving credit, for account management, to trace debtors and for the prevention of fraud and money laundering.

Additionally, where you have a contractual relationship with a third party in connection with a product or service (such as through an outside investment manager or insurance provider), we may share information in accordance with such arrangement and the handling of information by that party will be subject to your agreement(s) with that party. If you have a relationship with us through your employer, such as through your stock option or retirement plan, then we will share plan information with your employer and handle such information in accordance with plan agreements.

Transfers of Customer Information to other countries

Customer Information may be transferred around the world, including to affiliates or third parties which may be located in the United States, India, Costa Rica, or other jurisdictions that may not have equivalent data protection laws to those in your home country.

Cross-border transfers will only be made having ensured appropriate technical and organisational security measures are in place and such information will be protected in accordance with standard privacy contracts or other measures that address applicable international data transfer restrictions. With respect to transfers of Customer Information from the European Economic Area to Non-European Economic Area countries, such transfers will only be made in accordance with methods approved by the European Commission, including protecting such transfers using contractual measures based upon the European Commission's Model Clauses.

4. Honouring your choices

We will share and use Customer Information in accordance with this Privacy Policy, account opening and renewal documentation, as permitted by local law, or as otherwise agreed upon between us. Please note, if you choose to withhold information or limit sharing, we may not be able to provide you with certain information, offers or services.

5. Actions you can take

Except in limited circumstances, you have the right to access a copy of your Customer Information, request that such Customer Information be rectified if inaccurate or incomplete, or oppose (for legitimate purposes) the collection or processing of your Customer Information. If you have any questions regarding your choices, not addressed in your account documentation or section 9, or wish to request access to, object to the processing of your account data or other Customer Information, or take other actions described above, please contact us at +1 877 222 7954.

You can also make sure that your information is accurate by:

- Accessing your account information (for example, on a statement or in response to specific requests).
- Telling us if it is incorrect by calling or writing to us at the telephone number or appropriate address for such changes on your statement or other account materials.

6. Steps to protect information about you

Bank of America Corporation recommends that you take the following precautions to guard against the disclosure and unauthorised use of account and Customer Information:

- Review your monthly account statements and report any suspicious activity to us immediately.
- Do not respond to e-mails requesting account numbers, passwords or PINs. Call the institution to verify the legitimacy of the email.
- Memorise PINs and refrain from writing PINs, debit or credit card numbers where they could be found.
- Shred documents containing any sensitive information before discarding, e.g. bank statements.
- Confirm that an internet site is secure by checking that the URL (web address) begins with "https."

Keeping up to date with our Privacy Policy

We may make changes to this Privacy Policy at any time and will inform you of changes or take other steps as required by applicable law. To receive the most up-to-date Privacy Policy, you can visit our Web site at: www.ml.com.

7. Other privacy commitments

When you talk with Bank of America Corporation or an affiliate by telephone your conversation may be monitored or recorded by us or the affiliate to the extent permitted by applicable law.

For information on our online privacy practices, including the use of “cookies,” please see the online policy located on our Web sites.

You may have other privacy protections described in account documentation or under local laws. To the extent these obligations or local laws apply, we will comply with them with regard to our information practices. Country-specific information is set out in section 9.

8. Bank of America Corporation companies

This Privacy Policy applies to consumer customer relationships with non-U.S. companies of Bank of America Corporation that utilise the names:

Bank of America

Banc of America

Merrill Lynch or Merrill Lynch companies using the “ML” abbreviation in their corporate name

In addition, this Privacy Policy applies to the following non-U.S. company of Bank of America Corporation:

Berndale Securities LTD (Australia)

These entities listed (above) include any successor Bank of America Corporation entities. For a list of Bank of America Corporation companies, please visit our Web site at www.ml.com.

PLEASE NOTE: Your use of Bank of America Corporation accounts, products or services, or your sharing of your Customer Information with us will constitute your agreement to the terms in this Non-U.S. Privacy Policy. If you have any questions regarding this Privacy Policy or our privacy-related practices, please contact us at +1 877 222 7954. Please retain this policy for your records.

9. Country-specific information

Cayman Islands

Bank of America Corporation may owe you a duty of confidentiality under statute and common law in relation to your Customer Information. Those duties are qualified by your understanding and acceptance of the terms set out within this Privacy Policy. Where you have established a relationship with Bank of America Corporation, for or on behalf of other parties, it is acknowledged that Bank of America Corporation will: (i) regard and manage the Customer Information as if it had been imparted by, or relates solely to you as principal: (ii) regard you as having the due authority, on behalf of the parties, to agree to the terms as set out within this Privacy Policy, and (iii) rely on the assumption that you have sought the consent of such parties, where necessary and to the extent the information may relate to or have been imparted by them, to disclosure of the Customer Information on the same or equivalent terms as set out within this Privacy Policy.