

PRIVACY NOTICE

1. Introduction

This Privacy Notice explains how ELK-Desa Resources Berhad, together with its subsidiaries and associated companies (collectively, "ELK-Desa", "we", "us" or "our"), handle your personal data and sensitive personal data. This includes how such data is collected, used, disclosed, retained, safeguarded, and, where appropriate, disposed of in compliance with the Personal Data Protection Act 2010 ("PDPA"), including its amendments, subsidiary legislation, standards, and any other applicable Malaysian laws and regulations.

By furnishing your personal data and sensitive personal data to us or by continuing to use our services, you acknowledge and consent to our processing of your personal data (including sensitive personal data) in accordance with this Privacy Notice. We may also process your personal data (including sensitive personal data) without your consent where such processing is necessary for the performance of a contract with you, for compliance with our legal obligations, or where otherwise permitted by the PDPA.

2. Collection Of Personal Data

We have collected and will collect your personal data to be processed by us and/ or on your behalf in the course of your present or future dealings with the Company. Your personal data enables us to achieve the "Purpose" herein that is in connection with our business.

3. Types of Personal Data and Sensitive Personal Data Processed

In connection with the provision, administration and enforcement of our services, we may collect and process the following categories of personal data and sensitive personal data:

Applicants (Customers)

This includes identification and demographic information (such as name, date of birth, NRIC or passport details, nationality, marital status, address, contact details, and occupation), financial and credit information (income details, bank account information, credit/debit card details, repayment history, and credit reports), employment or business information, transactional and contractual information (application forms, hire purchase agreements, security or guarantor details, insurance policies, and payment records), and security and monitoring data (CCTV recordings and call recordings). Sensitive personal data may also be processed where relevant or required by law, including fingerprint, religious beliefs, or criminal records.

Guarantors and Co-Applicants

Where you act as a guarantor or co-applicant, we may process similar categories of personal data as set out above, including details relating specifically to your guarantor obligations, security provided, and correspondence with us in respect of the financing facility.

Third Parties

We may also process personal data of third parties connected to an application or facility, including referees and next-of-kin (name, contact details, relationship to the applicant), trade and credit references (information obtained from business partners, suppliers, contractors, or professional advisers), and introducers, dealers, or sales agents (contact and business details). Where you provide us with such personal data, you are deemed to have obtained the individual's consent or are otherwise authorised to disclose their data to us for the purposes described in this Privacy Notice.

Shareholders

This includes individual shareholders, proxy holders of shareholders, and authorised representatives of corporate shareholders. Personal data processed may include identification and contact details, shareholding records, dividend payment information, and records relating to participation in general meetings (including proxy appointments and attendance).

Failure to provide the personal data (including sensitive personal data, where applicable) requested by us may result in our inability to process your financing application, approve your role as guarantor or co-applicant, or continue to provide the hire purchase facility or related services.

4. Source of Personal Data and Sensitive Personal Data Processed

We collect your personal data and sensitive personal data from:

- a. Directly from you when you submit applications, forms, or correspondence to us, whether in person, by post, electronically, or through our authorised dealers or agents.
- b. From guarantors, co-applicants, and referees who provide information in connection with your application.
- c. From third-party sources, such as credit reporting agencies, financial institutions, insurance providers, or trade references.
- d. From your participation in marketing or customer engagement activities (such as responding to promotions or events) where you have consented;
- e. From your interactions with us through our website, customer service channels, or authorised dealers/agents
- f. your registration of interest and/or request for information of our services;
- g. your visit to any of our offices;
- h. your browsing of our websites;
- i. Through our security systems, such as CCTV recordings at our premises and recorded calls to our customer service centre.
- j. complaints that you lodge with us; and
- k. feedback that you provide to us.

Other than the personal data and sensitive personal data that we obtain from you (as detailed above), we may also obtain your personal data and sensitive personal data from such other sources where you have given your consent for the disclosure of personal data and sensitive personal data relating to you, and/or where otherwise lawfully permitted.

5. Purposes for Collection of Personal Data

We process personal data (including sensitive personal data, where applicable) for purposes reasonably necessary in connection with the provision and administration of our services, including but not limited to the following:

(A) Regulatory and Legal Compliance

1. To verify your identity, background, and eligibility for financing.
2. To conduct Know Your Customer (KYC) checks, anti-money laundering and counter-terrorism financing (AML/CFT) screening, and other due diligence in compliance with applicable laws and regulatory requirements.
3. To comply with statutory obligations, financial regulations, lawful directions of authorities, and court orders.
4. To assist in audits, inspections, and regulatory reporting.

(B) Credit Assessment and Contractual Performance

5. To evaluate your creditworthiness, repayment capacity, and financial standing, including obtaining credit reports from credit reporting agencies (e.g. CCRIS, CTOS).
6. To prepare, issue, and execute hire purchase agreements and related documentation.
7. To maintain accurate customer records for the performance of contractual obligations.
8. To manage billing, instalment collection, payment tracking, and processing of auto-debit or standing instructions.
9. To notify you of payment due dates, arrears, contract maturity, or other contractual events.
10. To provide customer service and respond to enquiries, requests, or complaints.

(C) Recovery and Enforcement

11. To manage collection of overdue payments.

12. To enforce our rights under the hire purchase agreement, including repossession of financed assets and recovery proceedings.

(D) Risk Management and Internal Governance

13. To detect, investigate, and prevent fraud, financial crime, or suspicious transactions.

14. To safeguard against financial losses, operational risks, and reputational harm.

15. For internal audits, quality assurance, and process improvements.

16. For staff training, monitoring, and compliance with internal policies.

(E) Marketing and Customer Engagement (with your consent)

17. To offer related financial products, insurance, or protection plans.

18. To update you on promotions, rewards programmes, or service enhancements.

6. Disclosure of Personal Data

We may disclose your personal data to third parties, whether located within or outside Malaysia, where reasonably necessary for the purposes set out in this Privacy Notice and subject at all times to applicable laws and regulations. Such third parties may include:

- a) **Regulatory and Law Enforcement Authorities** – including law enforcement agencies, regulators, government departments, statutory bodies, and courts of law, for purposes of compliance with legal and regulatory obligations, prevention and detection of crime, investigation and prosecution of offences, protection of national security, or pursuant to an order, directive, or judgment.
- b) **Credit and Financial Institutions** – including credit reporting agencies (e.g. CCRIS, CTOS), banks, insurers, guarantors, and payment processors, for purposes of credit assessment, payment processing, insurance coverage, and related financial arrangements.
- c) **Professional and Corporate Advisors** – including auditors, accountants, lawyers, consultants, and other professional advisers engaged by us in connection with our business operations, risk management, dispute resolution, or enforcement of our rights.
- d) **Service Providers and Vendors** – including information technology providers, cloud service providers, debt collection agencies, repossession agents, customer service support providers, and other vendors engaged by us to perform services on our behalf or in connection with the administration of hire purchase facilities.
- e) **Business Partners and Counterparties** – including dealers, introducers, or business partners who refer, distribute, or facilitate the provision of our financing facilities, provided such disclosure is necessary for the purposes of your application or transaction.
- f) **Other Disclosures with Consent** – where you have provided your consent (and such consent has not been withdrawn), we may disclose your personal data to business partners for marketing, promotional, or customer engagement purposes, including offers of related financial products, insurance, or protection plans.

All third parties to whom we disclose personal data are subject to confidentiality and data security obligations to ensure that your personal data is protected in line with the PDPA.

7. Data Security and Safeguards

We take the protection of personal data seriously and are committed to implementing security measures that are proportionate to the nature of the data and the risks involved, in compliance with the PDPA and applicable regulations. Our approach includes:

- a) **Technical and Organisational Measures** – We employ a combination of physical, electronic, and procedural safeguards designed to maintain the confidentiality, integrity, and availability of personal data. These measures include secure data storage systems, access controls, encryption, firewalls, and monitoring tools to detect unauthorised access or suspicious activity.
- b) **Staff Awareness and Accountability** – All employees who handle personal data are subject to strict confidentiality obligations and undergo regular training on data protection, information security, and regulatory compliance. Access to personal data is restricted based on business need-to-know.

- c) **Third-Party Service Providers** – Where we engage external service providers to process personal data on our behalf, they are contractually required to implement equivalent security standards, comply with the PDPA, and permit oversight or audit by us to ensure ongoing compliance.
- d) **Incident and Breach Management** – We maintain procedures for identifying, responding to, and mitigating data security incidents. Where required by law, we will notify the relevant regulatory authority and affected individuals of any personal data breach in a timely manner.

8. Personal Data and Sensitive Personal Data Retention Period

We will retain personal data for as long as it is necessary to fulfil the purposes for which it was collected, to protect our legal and contractual rights, and to comply with applicable laws and regulatory requirements. In particular:

- a) **Active Customers** – Personal data is retained for the duration of the hire purchase facility and for so long as you remain our customer.
- b) **Post-Termination** – Upon settlement or termination of your facility, we generally retain personal data for a period of **seven (7) years** from the date you cease to be our customer in order to comply with statutory obligations (including tax, accounting, anti-money laundering and counter-terrorism financing requirements, financial services regulations, and applicable limitation periods for contractual or legal claims) and to enable us to exercise or defend legal rights.
- c) **Extended Retention** – Where there are outstanding obligations, arrears, disputes, enforcement actions, or ongoing investigations (including fraud or financial crime), we may retain personal data beyond the standard period until the matter is fully resolved.

Once retention is no longer required, personal data will be securely deleted, anonymised, or otherwise disposed of in accordance with our internal policies and applicable legal requirements.

9. Transfer of Personal Data

We primarily process personal data within Malaysia. However, certain circumstances may require the transfer or access of personal data outside Malaysia. This may arise, for example, where our third-party service providers (including IT system providers, cloud service providers, outsourced support functions, or professional advisers) are located overseas, or where cross-border disclosures are otherwise necessary in connection with the administration, enforcement, or support of our hire purchase financing facilities.

Where personal data is transferred outside Malaysia, we will ensure that such transfer complies with the requirements of the PDPA. In particular, we will take reasonable steps to ensure that the receiving jurisdiction provides a standard of protection that is substantially similar to, or higher than, the protections afforded under Malaysian law. Where such protections are not assured, we will implement appropriate contractual, technical, and organisational safeguards, or obtain your consent, before transferring personal data.

10. Data Subject's Obligations

You are responsible for ensuring that the personal data you provide to us is complete, accurate, and kept up to date throughout the duration of your relationship with us. Please notify us promptly of any changes to your personal data by contacting our Customer Service Centre.

If you provide personal data relating to third parties (for example, guarantors, co-applicants, referees, next-of-kin, or business associates), you represent and warrant that you have informed them of this Privacy Notice and obtained their consent or have the necessary legal authority to disclose their personal data to us for the purposes described herein.

Failure to provide accurate or up-to-date personal data, or to obtain the required authorisation for third-party personal data, may affect our ability to process your application, administer your hire purchase facility, or provide related services.

11. Data Subject's Right

In accordance with the Personal Data Protection Act 2010 ("PDPA"), you have the following rights in respect of your personal data processed by us:

- a) **Right of Access** – You may request confirmation as to whether we hold personal data about you, and, if so, request a copy of such data together with information on how it has been used and disclosed.
- b) **Right of Correction** – Where personal data held by us is inaccurate, incomplete, misleading, or not up to date, you may request that it be corrected.
- c) **Right to Withdraw Consent** – Where processing is based on your consent (for example, for marketing purposes), you may withdraw your consent at any time. Withdrawal of consent will not affect processing which is necessary for us to provide you with financing facilities, or which we are otherwise permitted to carry out under the PDPA.
- d) **Right to Prevent Processing for Direct Marketing** – You may request at any time that we cease processing your personal data for purposes of direct marketing.

Limitations

Please note that these rights are not absolute. Requests may be refused where permitted under the PDPA, including where compliance would prejudice investigations, regulatory requirements, or the enforcement of legal rights and obligations (for example, in relation to anti-money laundering checks, credit assessments, debt collection, or the enforcement of hire purchase agreements). Requests for access or correction may be subject to a prescribed fee under the PDPA.

12. Updates To Our Privacy Notice

We may review and update this Privacy Notice from time to time to reflect changes in our practices, legal or regulatory requirements, or other considerations. The latest version of this Privacy Notice will apply and will supersede any earlier versions, whether in electronic or printed form.

13. Our Contact Details

You may contact or submit any query with regards to the processing of your personal data and sensitive personal data to:

Address

Data Protection Office
ELK-Desa Resources Berhad,
15-17, Jalan Brunei Utara, Pudu,
55100 Kuala Lumpur,
Wilayah Persekutuan Kuala Lumpur

Data Protection Office Email

dpo@elk-desa.com.my