



KNOW YOUR COUNTERPARTY QUESTIONNAIRE

The MISC Code of Conduct and Business Ethics ("CoBE") for Third Parties sets out MISC's core principles with respect to ethics and integrity, economic sanctions, export control, competition, data protection, human rights and modern slavery.

MISC expects its Third Parties to comply with all applicable laws and the relevant parts of the CoBE and any other relevant guidelines or manual when performing such work or services.

Therefore, before MISC engages a Third Party, we are obligated to conduct appropriate Third Party due diligence to understand the business and background of our prospective business counter parties to ensure that we are dealing with Third Parties that subscribe to the same values and ethical standards of integrity as MISC in the conduct of their business.

Please complete the following questionnaire, using additional pages where necessary, and return a scanned, signed copy to the MISC focal person in charge. If you subsequently learn that any of the information provided below is incorrect or incomplete, please correct or complete it (as applicable) and notify us as soon as possible.

Third Party refers to contractors, sub-contractors, consultants, vendors, agents, representatives and other service providers performing/providing work, supplies or services for or on behalf of MISC Berhad and its group of companies, joint venture ("JV") partners, clients, banking and financial institutions/ lenders or otherwise.

SECTION A: COMPANY INFORMATION		
NO	QUESTIONS	RESPONSE
1.	Full legal name (and any previous legal names and/or trading names).	
2.	Country of incorporation.	
3.	Date of incorporation and registration number.	
4.	Registered address.	
5.	Telephone number.	
6.	Nature of the Company's business.	
7.	Please provide a copy of the following documents: a. Company's Annual Report or other publications describing the Company's activities b. Certificate of Registration	
8.	Please provide the following details: a. Shareholder(s);	

SECTION A: COMPANY INFORMATION		
NO	QUESTIONS	RESPONSE
	b. Ultimate beneficial owner(s); c. Percentages held and jurisdiction/nationality of each shareholder; d. Jurisdiction(s) of residence of each ultimate beneficial owner(s); and e. Diagram of the Company's shareholding structure.	
9.	Please provide the following details of each current director: a. Full Name b. Nationality c. Date of Birth	
10.	Does the Company has/ had any current/ past contract with MISC Group? If yes, please provide the following details: a. MISC entity name (MISC Berhad/ Eaglestar/ AET/ MHB/ MMS/ ALAM/ Others – please provide details) b. Type of business/ service/ product	
10.	List of "key" employees, contractors and consultants of the Company who will be involved with or has an existing commercial relationship with MISC.	
11.	Does the Company outsource or intend to outsource any of its services in relation to the proposed arrangement with MISC? If yes, please set out details of the third party contractors. Please note that any outsource arrangement in relation to the transaction requires MISC prior consent.	

SECTION B: ETHICS		
NO	QUESTIONS	RESPONSE
1.	Are any of the current directors or current key employees of the Company also a Public Official? If so, please provide details. <u>DESCRIPTIONS</u> For ease of reference, "Public Official" shall include the following:	

SECTION B: ETHICS		
NO	QUESTIONS	RESPONSE
	<p>(i) a person employed by a public authority holding a legislative, executive, administrative or judicial office, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority;</p> <p>(ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service; or</p> <p>(iii) any other person defined as a "public official" in the domestic law of a country.</p>	
2.	Please disclose any relationship which the Company, its affiliates, its directors and/or key employees has or have with any Public Official related to the transaction.	
3.	<p>Have any payments been made by or on behalf of the Company during the past five years to any Public Official?</p> <p>If so, please provide details.</p>	
4.	<p>Does the Company have any affiliation with current MISC employee who is involved in this transaction?</p> <p>If yes, please provide details of the MISC employee:</p> <ul style="list-style-type: none"> • Full Legal Name of the Individual • Position Held • The Duty/Duties of the Position(s) • Tenure (start & end dates) 	
5.	<p>Are any of the Company's directors, shareholders, senior management member(s) and/ or their family member(s) currently working with MISC Group?</p> <p>If yes, please provide details:</p> <ul style="list-style-type: none"> • Name • Position • Department • Company • The Duty/Duties of the Position(s) • Tenure (start date) 	
6.	<p>Are any of the Company's directors, shareholders, senior management member(s) and/ or their family member(s) currently a shareholder or holds any other interest(s) in PETRONAS and/ or MISC including their affiliate companies?</p> <p>If yes, please provide details:</p>	

SECTION B: ETHICS		
NO	QUESTIONS	RESPONSE
	<ul style="list-style-type: none"> • Name • Position • Company • Other Information 	
7.	<p>Does any government, its agencies or controlled organisations, or any other organisation performing a governmental function own any interest in or exercise any control over the Company's business?</p> <p>If yes, please list the nature and extent of any such interest or control.</p>	
8.	<p>Does the Company have and disseminate to its employees the following:</p> <ul style="list-style-type: none"> i) a written employee code of conduct; ii) a written anti-bribery and corruption policy; and iii) a policy and process for reporting bribery if discovered? <p>If yes, please provide copy of the documents.</p>	
9.	<p>Has the Company (or any of its affiliates, shareholders, directors or key employees) ever been the subject of any convictions or prosecutions, or is the subject of any pending investigations by public authority, in relation to bribery or corruption, conflicts of interest, facilitation payment or money laundering? Provide details, if any.</p>	
10.	<p>Within the last five (5) years, has the Company, or any of its directors, officers, owners, shareholders or key employees, ever been cited, investigated by a government agency for non-compliance with any governmental rule or regulation of a material nature or involved in any lawsuit? Provide details, if any.</p>	
11.	<p>Does the Company require its contractors, sub-contractors and other third parties to comply with its ethics and compliance policies (including anti-bribery and corruption)?</p> <p>If yes, please provide details to what extent does the Company monitor the integrity of its third parties.</p>	
12.	<p>Has the Company (or any person or entity listed in this questionnaire) ever been barred from competing for government contracts in any country?</p> <p>If yes, please provide details.</p>	

SECTION B: ETHICS		
NO	QUESTIONS	RESPONSE
13.	<p>Does the Company agree to alert MISC immediately should there be any suspicion of MISC Code of Conduct & Business Ethics violation and/or a violation of MISC Anti Bribery and Corruption Policy in relation to MISC's Business?</p> <p>If No, please explain.</p>	
14.	<p>Does the Company have a compliance due diligence process in place whereby it assesses the reputation and compliance state of its own third parties seeking to understand and mitigate the risks that these third parties might represent?</p> <p>If Yes, please provide details of the process.</p>	

SECTION C: COMPETITION		
NO	QUESTIONS	RESPONSE
1.	<p>a) Is the Company aware of the competition law in its respective jurisdiction?</p> <p>b) Does the Company provide competition law training for all its employees including its management?</p> <p>c) Does the Company have:</p> <ul style="list-style-type: none"> i) a written competition law manual; ii) a written meeting protocol; iii) a written raid protocol; and/or iv) a policy and process for reporting anti-competitive conduct/activities if discovered? <p>If yes, does the Company disseminate the above to all its employees?</p>	
2.	<p>Has the Company or its directors, members of management or key personnel ever been the subject of any convictions or prosecutions, or is it the subject of any ongoing investigations by a public authority (e.g. Malaysia Competition Commission), in relation to competition or anti-trust laws?</p> <p>If yes, please provide details.</p>	

SECTION D: SANCTIONS & EXPORT CONTROL		
NO	QUESTIONS	RESPONSE
1.	<p>Is the Company or any of its affiliates are incorporated, located within or operating from any countries subject to Comprehensive Sanctions?</p> <p>If Yes, please specify.</p> <p>Definitions:</p> <p>"Sanctions" means all laws or regulations concerning economic sanctions (including embargoes, export restrictions, restrictions on the ability to make or receive international payments, freezing or blocking of assets of targeted Persons, or the ability to engage in transactions with or involving specified Persons or countries, or any laws or regulations threatening to impose economic sanctions on any Person for engaging in targeted behaviour) of any jurisdictions including –</p> <ul style="list-style-type: none"> (a) the United Nations; (b) Malaysia; (c) the European Union; (d) the United Kingdom (including those administered by HM Treasury); (e) the United States (including those administered by the Office of Foreign Assets Control of the Department of the Treasury, the Bureau of Industry and Security of the Department of Commerce, or the Department of State); <p>"Country Subject to Comprehensive Sanctions" as at June 2018:</p> <ul style="list-style-type: none"> (a) Cuba; (b) Iran; (c) Venezuela; (d) North Korea; (e) Syria; and (f) Crimea Region. <p>"Person" means any natural person, corporation, limited liability company, trust, joint venture, association, company, partnership, Governmental Authority or other entity.</p>	
2.	<p>Is the Company or any of its affiliates are engaged in transactions, investments, business or other dealings that directly or indirectly involve or benefit any countries subject to Comprehensive Sanctions or any person or entity which is the target or subject of any Sanctions?</p> <p>If yes, please specify.</p>	

SECTION D: SANCTIONS & EXPORT CONTROL		
NO	QUESTIONS	RESPONSE
3.	Are any of the goods and/or services that will be supplied an item subject to export control, such as the controls as prescribed under Strategic Trade Act 2010, the U.S Export Administration Regulations or any other similar export control laws?	
4.	Has the Company ever been the subject of any convictions or prosecutions, or is it the subject of any pending investigations by a public authority, in relation to economic sanctions & export control regulations? If yes, please provide details.	

SECTION E: DATA PROTECTION		
PART I: GENERAL CHECKLIST		
NO	QUESTIONS	RESPONSE
1.	<p>Is the Company providing personal data processing services to MISC or carrying out personal data processing activities for and on behalf of MISC?</p> <p>Examples of personal data processing services:</p> <ul style="list-style-type: none"> • payroll management services, • data centre / cloud storage services, • development of new software or technology which involves processing or storage of personal data, • business process outsourcing services such as call centre services, • marketing agents, • any other services which involve processing or handling of personal data for and on behalf of MISC. <p>Definitions: "Processing" is to be understood broadly to mean any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.</p> <p>"Personal data" means any information relating to an identified or identifiable natural person ("data subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier</p>	

SECTION E: DATA PROTECTION		
PART I: GENERAL CHECKLIST		
NO	QUESTIONS	RESPONSE
	<p>or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.</p> <p>"Data processor" means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the data user / data controller; "data user" or "data controller" means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.</p>	
2.	<p>Has the Company ever been the subject of any convictions or prosecutions, or is it the subject of any pending investigations by a public authority, in relation to personal data protection laws?</p> <p>If yes, please provide details of such convictions, prosecutions, or investigations.</p> <p>Descriptions:</p> <p>Examples would include investigations instituted or carried out by the data protection regulator, compounds issued by the data protection regulator, or even prosecution instituted by the data protection regulator in respect of non-compliance or breach of the applicable data protection laws.</p>	

SECTION E: DATA PROTECTION		
PART II: DETAILED CHECKLIST		
<i>to be answered if the answer to Part I above is "yes" and the transactions involve large scale processing of personal data i.e. processing personal data beyond or in addition to the processing of employees' personal data for the mere purpose of execution and performance of the contract</i>		
NO	QUESTIONS	RESPONSE
1.	<p>Is there personal data protection law in place in your country?</p> <p>If yes, what are the laws that govern personal data protection and enforcement in your country?</p> <p>Descriptions:</p> <p>For example:</p> <ul style="list-style-type: none"> • In the European Union, the EU General Data Protection Regulation (GDPR); • In the United Kingdom, the Data Protection Act 2018 (superseding the Data Protection Act 1998); • In Malaysia, the Personal Data Protection Act 2010; • In Singapore, the Personal Data Protection Act 2012. 	

SECTION E: DATA PROTECTION		
PART II: DETAILED CHECKLIST		
<i>to be answered if the answer to Part I above is "yes" and the transactions involve large scale processing of personal data i.e. processing personal data beyond or in addition to the processing of employees' personal data for the mere purpose of execution and performance of the contract</i>		
NO	QUESTIONS	RESPONSE
2.	<p>If yes, does the personal data protection law in the country accord at least an equivalent (or more stringent) level of protection in relation to the processing of personal data as compared to Malaysian personal data protection laws (i.e. the Malaysian Personal Data Protection Act 2010)?</p> <p>Descriptions: For ease of reference, Malaysian PDPA generally provides for the following principles:</p> <ul style="list-style-type: none"> (i) adequate consent to be obtained from data subjects; (ii) data subjects must be given notice and information in respect of the processing of their personal data; (iii) personal data must not be disclosed to third parties unless with consent or if exempted by the law; (iv) personal data must be kept secure and protected; (v) personal data can only be retained for the period necessary to fulfil the relevant purposes; (vi) personal data must be kept accurate, complete and up-to-date; (vii) data subjects must be given the right to access and correct their personal data. 	
3.	<p>Has the Company conducted an information audit to map data flows?</p> <p>Descriptions: Data mapping is the process of identifying the types of personal data processed, and location(s) in which the identified personal data is stored, to which other internal and external entities the personal data is transferred to, and other relevant criteria.</p>	
4.	<p>Does the Company document what personal data it holds, where it came from, who the Company share it with and what the Company do with it?</p> <p>Descriptions: Essentially whether the Company has developed and maintained a data inventory or register which include details such as:</p> <ul style="list-style-type: none"> • name and contact details of the data controller and any joint data controller, representatives and DPO; • the purpose(s) of the processing; • description of categories of data subjects and personal data; • categories of recipients of personal data; • details of transfers to third parties; 	

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PART II: DETAILED CHECKLIST		
<i>to be answered if the answer to Part I above is "yes" and the transactions involve large scale processing of personal data i.e. processing personal data beyond or in addition to the processing of employees' personal data for the mere purpose of execution and performance of the contract</i>		
NO	QUESTIONS	RESPONSE
	<ul style="list-style-type: none"> time limits for erasure of different categories of data; etc. 	
5.	<p>Does the Company have an appropriate personal data protection policy? If yes, please provide a copy of the policy for Company's consideration.</p> <p>Descriptions: This refers to the policy which the Company has developed and implemented to regulate processing of personal data within the Company, and to ensure the Company is in compliance with the applicable data protection laws.</p> <p>Generally, a company's data protection policy would address the following:</p> <ul style="list-style-type: none"> Roles and responsibilities of senior management, data protection officer / committee (if any), employees and staff, in respect of processing personal data; Processing and handling of different types of personal data, such as customer data, employee data, third parties' data, etc; Technical and organisational security measures in order to protect and secure personal data; Handling transfers of personal data to third parties; Responding to data subjects' rights (e.g. access and correction to personal data); Data storage periods; Etc. 	
6.	<p>Does the Company have a data protection lead or Data Protection Officer (DPO)?</p> <p>Descriptions: Data protection officers are generally officers within the companies made responsible for overseeing data protection strategy and implementation to ensure compliance with the requirements of the applicable data protection laws.</p> <p>Under certain data protection laws (e.g. GDPR), DPO is a mandatory requirement.</p>	
7.	<p>Has the Company implemented adequate technical and organisational security measures in order to protect and secure personal data from loss, misuse, unauthorised or accidental access or disclosure (whether processed electronically or non-electronically)? If yes, please provide details or copy of policy.</p> <p>Descriptions:</p>	

SECTION E: DATA PROTECTION		
PART II: DETAILED CHECKLIST		
<i>to be answered if the answer to Part I above is "yes" and the transactions involve large scale processing of personal data i.e. processing personal data beyond or in addition to the processing of employees' personal data for the mere purpose of execution and performance of the contract</i>		
NO	QUESTIONS	RESPONSE
	<p>Adequate technical and organisational security measures shall be based on the requirements of the applicable data protection laws to the Company.</p> <p>Security measures must consider both personal data processed electronically as well as those processed non-electronically.</p>	
8.	<p>Is the Company currently accredited or certified in respect of its information security, cybersecurity, or data privacy practices? (e.g. ISO 27001 certification, or such other information security certification standard)</p> <p>Descriptions: Examples:</p> <ul style="list-style-type: none"> • ISO 27001 information security certification • Certified Information Systems Security Professional (CISSP) 	
9.	Does the Company provide personal data protection awareness training for all staff?	
10.	With regards to engaging sub-processor(s), does the Company ensure that there is a contract in place with the sub-processor(s) and to include equivalent personal data protection obligations?	
11.	With regards to engaging sub-processor(s), does the Company have any program designed or implemented to ensure the compliance of sub-processor(s) (e.g. regular audit processes and procedures to be carried out on the Company's sub-processor(s))?	
12.	<p>Does the Company have effective processes in place to identify and report any personal data breaches to your data user / data controller or relevant authorities?</p> <p>Descriptions: Company should have processes in place to detect and monitor any data breaches which occur in its systems which store personal data for and on behalf of MISC.</p>	
13.	<p>Does the Company have a process to respond to a data user / data controller's (in this case, MISC) request for information following the individuals' or data subjects' request to access their personal data?</p> <p>Descriptions: Company must be able to comply with specific requests from MISC to access and, where required, to correct personal data held for and on behalf of MISC.</p>	

SECTION E: DATA PROTECTION		
PART II: DETAILED CHECKLIST		
<i>to be answered if the answer to Part I above is "yes" and the transactions involve large scale processing of personal data i.e. processing personal data beyond or in addition to the processing of employees' personal data for the mere purpose of execution and performance of the contract</i>		
NO	QUESTIONS	RESPONSE
14.	<p>Does the Company have processes in place to ensure that the personal data the Company hold remains accurate and up to date?</p> <p>Descriptions: Company will need to ensure it has processes in place to allow for updating or corrections to personal data held for and on behalf of MISC.</p>	
15.	<p>Does the Company have a process in place to routinely and securely dispose of personal data that is no longer required, in line with the agreed timescales as stated in your contract with the data user / data controller?</p> <p>Descriptions: Disposal here refers to destruction or permanent deletion of personal data, or where permissible, anonymization of personal data.</p>	
16.	<p>Does the Company have procedures in place to respond to a data user's / data controller's (in this case, MISC's) request to limit or suppress the processing of specific personal data?</p> <p>Descriptions: The Company may be required to limit, restrict processing of personal data or even to remove specific personal data held for and on behalf of MISC.</p>	

SECTION F: HUMAN RIGHTS & MODERN SLAVERY		
NO	QUESTIONS	RESPONSE
1.	Does the Company have any statement / commitment on human rights?	
2.	Does the Company provide human rights awareness training to employees?	

SECTION F: HUMAN RIGHTS & MODERN SLAVERY		
NO	QUESTIONS	RESPONSE
3.	<p>Does the Company have a grievance mechanism for employees and are the employees aware of the grievance mechanism?</p> <p>Definition</p> <p>“grievance mechanism” means a non-judicial process through which grievances can be raised and remedy can be sought by aggrieved party in a timely, fair and consistent manner.</p>	
4.	Is the Company aware of the MISC Human Rights Commitment, Modern Slavery Policy and its obligations?	
5.	Does the Company have policies in place that address prohibition of forced labour, child labour and human trafficking?	
6.	Does the Company allow the employment of a person under the age of 16?	
7.	Does the Company conduct regular audits/checks of its own supply chain to ascertain that no forced labour and child labour takes place within their organisation?	
8.	Does the Company provide training on forced labour and human trafficking to its staff?	

SECTION G: PERSONAL DATA AND INFORMATION NOTICE

Personal Data Protection Act 2010 (“PDPA 2010”) & EU General Data Protection Regulation (“EU GDPR”)

Pursuant to the enforcement of PDPA 2010 & EU GDPR, we hereby wish to give this notice and seek your consent on the processing of your personal data as well as to give an assurance of our commitment to ensure that your data is securely processed, kept and not used or disclosed for any other purpose than the commercial dealings we have with you. Please refer to the Personal Data and Information Notice provided to you for more information.

SECTION H: CERTIFICATION

By signing this document, the undersigned, being duly authorised to complete this questionnaire, hereby certify the following:

- declares that he/she has, or has obtained from the relevant authority, the proper mandate and authority to disclose such information;
- declares that the Company shall not extend or offer any gift (other than promotional items) or unusual hospitality to MISC employees;
- consents to the processing of such information for the purpose described in the Personal Data and Information Notice;
- acknowledges that the processing of such information may be conducted by a third party on behalf of MISC which may occur in another country than the country of disclosure; and
- represents that the information provided in this document is, to the best of his/her knowledge is accurate, current and complete as of the date of disclosure.

For and on behalf of (INSERT COMPANY NAME)

Signed by the authorised representative of the Company:

Signature _____

Date _____

Name:

Designation:

DOCUMENT CHECKLIST

No.	Documents to be Submitted	Yes / No	Remarks
1.	Completed and signed KYC Questionnaire Form		
2.	Certified copy of Business Registration Certificate/ Certificate of Incorporation		
3.	Shareholding Structure – Diagram of Shareholding Structure		
4.	Annual Report/ Company Profile - Latest		
5.	Written employee code of conduct (if any)		

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DOCUMENT CHECKLIST			
No.	Documents to be Submitted	Yes / No	Remarks
6.	Written anti-bribery and corruption policy (if any)		
7.	Policy and process for reporting bribery if discovered (if any)		
8.	Data Protection Policy (if any)		
9.	Other supporting documents (if any)		

Note:

1. All documents sourced from outside of Malaysia must be in English. Should the original document is not in English, please provide a certified translation to the original.
2. MISC personnel may request for further clarification and additional document(s) during registration process.