Privacy notice pursuant to Articles 13 and 14 of the EU General Data Protection Regulation (for natural persons)

Version as of May 2018

Below you will find an overview on how we process your personal data as well as information about your rights under the EU General Data Protection Regulation.

We ask you to share this information with current and future authorised representatives as well as with any co-debtors.

1. Contact details of the data controller and the data protection officer

Data controller:

DenizBank AG
Thomas-Klestil-Platz 1
1030 Wien
Tel: +43 (0) 505-105/2000
Fax: +43 (0) 505-105/2029
E-Mail: service@denizbank.at

Data protection officer:

DenizBank AG
Mr Berhan Felek, BSc.
Thomas-Klestil-Platz 1
1030 Vienna
Email: datenschutz@denizbank.at

2. Information about the data we process

We process the personal data provided by customers, potential customers and/or interested parties within the framework of our business relationships.

Pursuant to FM-GwG (Austrian Financial Market Anti-Money Laundering Act), DenizBank AG is obliged to prove, amongst other things, the identity, the beneficial owner or the trustor of the customer, to check the purpose pursued by the customer, to evaluate the intended nature of the business relationship, to obtain and check information on the origin of the funds used, and to continuously monitor both the business relationship and the transactions carried out within its scope.

Where necessary for providing our services, personal data we have legitimately obtained from the group companies of DenizBank AG or other third parties (e.g. service providers, KSV1870 Holding AG, CRIF GmbH) are rightfully processed as well (e.g. for the fulfilment of contracts or due to your declaration of consent). Data we have legitimately obtained from publicly available sources (e.g. land registers, company registers and registers of associations, press, media, or the internet) are rightfully processed as well.

The personal data we process include, inter alia, the following details:

- Basic data (first and last name, academic degree, address and contact data (telephone number, email address)) and further personal data (date and place of birth, gender, nationality, marital status, legal capacity, professional title/nature of employment (employed/self-employed))
- Identification data (such as ID card data) und authentication data (such as specimen signature)
- Legally relevant data in accordance with the KYC principle (e.g. customer profile, documentation about the purpose and nature of the business relationship, proof of source of funds, PEP check);
- Tax-related data (e.g. tax ID, FATCA status and/or CRS status)
- Information relevant to creditworthiness (e.g. KSV1870, KKE)
- Our correspondence with you (such as written communications, consultation records, memos)
- Information derived from electronic communications with DenizBank AG (e.g. apps or cookies)

In general, the contents and the scope of the personal data we collect depend on the respective products/services. Apart from the data mentioned above, we are allowed to collect, process and retain further personal data. These primarily include:

Account and payment transactions (incl. internet banking)

Data resulting from the fulfilment of our contractual obligations (e.g. payment transaction data) or data relating to the order or the payee (e.g. payment orders/standing orders).

Savings and deposits

Data resulting from the fulfilment of our contractual obligations (e.g. turnover), direct debits, documentation data (e.g. memos, consultation records).

Securities transactions

Information on knowledge and/or experience with regard to securities (MiFID II status), investment behaviour/strategy (scope, frequency, risk-taking), profession, financial situation (assets, liabilities, income from salaried employment/self-employment/commercial operations, expenses), foreseeable changes in the financial circumstances (e.g. beginning of retirement), specific objectives/essential concerns in the future (e.g. planned acquisitions, settlement of liabilities), tax-related information, documentation data (e.g. suitability statement).

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Brokerage of insurance policies/home purchase savings products/private loans

Product data, documentation data (e.g. memos).

Credit cards/cash cards

General information (e.g. card number, expiry date, limit).

Consumer financing (consumers)

Documents relating to the customer's creditworthiness (proof of income (e.g. payslips, third-party statements)), professional situation (employer, nature and duration of the employment relationship), marital status and number of dependent children, scoring/rating data, purpose of use, documentation data (e.g. memos).

Customer contact details

In the course of the establishment of the business relationship as well as for its duration, we may contact you – personally, by phone or in writing – and collect further personal data (e.g. information about the contact channel, date, occasion and result) as well as information on the participation in marketing measures.

3. Purpose and legal basis of the processing of personal data and their retention periods

The aforementioned data are processed in accordance with the data protection regulations. Moreover, our data processing is based on the justifications stipulated in Article 6 Section 1 GDPR only. The main purposes are as follows:

a. Fulfilment of contractual obligations

Personal data are processed for the execution of banking transactions and for the brokerage of insurances, building society savings plans and private loans. These transactions and activities are carried out within the framework of the performance of the contracts entered into with you or for the implementation of precontractual measures.

The specific details concerning the purpose of the processing of your personal data primarily depend on the specific product/service (see section 2). They can be looked up in the corresponding contractual documents and in our terms and conditions.

b. Fulfilment of legal obligations or grounds of public interest

As a bank, we are subject to different legal provisions (e.g. Banking Act, Stock Exchange Act 2018, Financial Market Anti-Money Laundering Act, Securities Supervision Act 2018, Payment Services Act and tax laws) and banking regulations (such as those stipulated by the European Central Bank, the European Banking Supervisors, the Austrian National Bank and the Financial Market Authority).

We may process your personal data for the following purposes (non-exhaustive list):

- Verification of your identity
- Measures for the prevention of money laundering and terrorism financing
- Compliance with the provisions concerning market abuse and insider information
- Compliance with the fiscal control and reporting obligations (exchange of information with tax or financial crime authorities)
- Measures for risk assessment and management at both the bank and the parent company

c. Based on your consent

If you have given your consent to the processing of your personal data for specific purposes (e.g. for email advertising), the processing activity performed on the basis of your consent is deemed lawful. Your personal data will be processed exclusively for the purposes and within the scope defined in your declaration of consent. You may revoke your declaration of consent at any time with effect for the future. This also applies to declarations of consent given before entry into force of the GDPR (25 May 2018).

d. Safeguarding of legitimate interests

If required for the safeguarding of our legitimate interests or those of third parties, we will process your data beyond the actual fulfilment of the contract based on the balancing of interests. Data processing for the safeguarding of legitimate interests occurs, for instance, in the following cases:

- Consultation of and data exchange with credit agencies (e.g. KSV1870/KKE) in order to identify credit and/or default risks
- Recording of telephone calls (e.g. in the context of complaint management)
- Assertion of legal claims and defence in the event of legal disputes
- Safeguarding of the Bank's IT security and the smooth running of the Bank's IT operations
- Prevention and investigation of criminal offences
- Measures concerning the safety of buildings and facilities and the protection of customers, employees and the Bank's property (e.g. video recordings inside/in front of branch offices)
- Measures for the prevention of money laundering and terrorism financing
- General risk and business management measures as well as measures for the development of products and services

Personal data will only be processed and retained for as long as necessary for the fulfilment of the aforementioned purposes and, in any case, for the duration of the entire business relationship as well as beyond this period in compliance with the supervision requirements or statutory retention periods, the statutory warranty periods or contractual guarantee periods or whenever there are any other lawful reasons that justify the retention on a case-by-case basis.

Your data will be deleted upon fulfilment of the purpose as well as upon termination of the statutory retention periods, the statutory warranty periods or the contractual guarantee periods. In case of legal disputes, however, when the data are needed as evidence, they will not be deleted before the disputes are settled. The retention and documentation

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obligations result, inter alia, from the Commercial Code, the Federal Tax Code, the Banking Act, the Financial Market Anti-Money Laundering Act and the Securities Supervision Act 2018.

Within the scope of our due diligence obligations relating to the prevention of money laundering and terrorism financing, we are obliged to obtain and retain certain personal documents and information at the time the business relationship is entered into or whenever occasional transactions are to be executed. In particular, we will retain copies of the documents and information required for the fulfilment of the due diligence obligations described. The same applies to the transaction slips and records required for the tracing of transactions.

The statutory limitation periods pursuant to the Civil Code of Austria (ABGB) are to be considered as regards the retention and storage periods. The ABGB stipulates a general limitation period of up to 30 years (from the date of damage/occurrence of the damage) and, in certain cases, a special limitation period of three years (from the date on which the damage and the injuring party are known). Where processing is based on your consent, the data will not be deleted until you have revoked your consent.

4. Disclosure of your data

Within the Bank, only those departments and/or employees that require your data for the fulfilment of our contractual, statutory and supervisory obligations as well as for our legitimate interests will be given access to your data. Apart from that, we may disclose your personal data to processors (service providers) if these comply with the data protection requirements stipulated in writing in the order processing agreements and if these are bound by confidentiality obligations. In case we commission a processor, we remain responsible for the protection of your personal data.

As regards the disclosure of data to recipients outside the Bank, we point out that as a bank, we are obliged not to disclose any customer-related information confided or made available to us due to the business relationship (banking secrecy according to § 38 BWG, Austrian Banking Act). We are not entitled to disclose your personal data unless required by legal and/or supervisory provisions. Besides, we may disclose your personal information if you have given your consent or released us from our secrecy obligation in writing.

Where this is strictly necessary for the aforementioned purposes, we will disclose your personal data to the categories of recipients mentioned below. However, this only occurs to the extent necessary.

- Parent company
- Branch offices of our bank
- Information services providers
- Financial institutions, financial companies and financial services providers
- Society for Worldwide Interbank Financial Telecommunication (S.W.I.F.T.)
- Insurance companies
- Building societies
- (Supervisory) authorities
- Austrian National Bank
- Ministry of Finance
- Administrative authorities, courts and public corporations
- External legal representatives, notaries, tax consultants, auditors and annual auditors
- US tax authorities
- Pension authorities
- Creditor protection associations
- IT services providers
- Other service providers and partners
- Collection agencies for the purpose of debt recovery

5. Data transmission to third countries

Data is not transmitted outside the European Union (to so-called third countries) unless required to execute your orders, stipulated by law (e.g. due to fiscal reporting obligations) or allowed due to your consent.

If required in individual cases, we may transmit your data to an IT services provider (processor) established in a third country in order to ensure the smooth running of the Bank's IT operations. However, this is done in compliance with the European level of data protection. In this respect, we would like to point out that we do not use processors outside the European Union unless the European Commission has taken an adequacy decision with regard to the third country concerned, or unless we have agreed upon EU standard contractual terms or binding internal data protection regulations which oblige the processor to comply with the European level of data protection.

6. Security of your data

Appropriate technical and organisational measures have been implemented in order to ensure the protection and security of your personal data. These technical and organisational measures protect your personal data against access by unauthorised third parties. They include, in particular, an authorisation concept as well as procedural, organisational and digital protective measures concerning our IT infrastructure.

These measures are updated on a continuous basis using state-of-the-art technology. Besides, they are regularly checked within the framework of internal and external audits.

7. Automated decision-making and profiling

Generally, we do not use automated decision-making processes for the establishment and implementation of our business relationships. Should we use these processes in individual cases, we will inform you accordingly if required by law.

The processing of your personal data is partially automated with the objective of evaluating certain personal aspects (so-called profiling). In particular, profiling is used in the following cases:

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- Due to statutory and regulatory provisions, we are obliged to fight money laundering and terrorism financing. To this end, we evaluate, for instance, your payments and transactions. At the same time, these measures are intended to protect you.
- In the course of the granting of credits, we assess your creditworthiness (credit assessment) using a scoring system. This system uses recognised and proven mathematical and statistical procedures. We use statistical comparison groups in order to calculate the default risk and/or the probability of the customers' fulfilment of their contractual payment obligations. In order to calculate this score value, we use, for instance, the following data:
  - Basic data (e.g. marital status, number of children, profession, employer, duration of employment)
  - Financial circumstances (e.g. income, assets, expenses, existing liabilities, collaterals)
  - Payment behaviour and experience from previous business relationships (e.g. credit history, reminders, information provided by credit agencies)
- Moreover, we may evaluate your data in order to appropriately inform and advise you on products. This is done using evaluation systems (e.g. statistical procedures). We use the results in order to be able to contact you in a needs-based and target-oriented way.

8. Your rights and obligations

1) Provision of your data

Within the framework of our business relationship, you are required to disclose the personal data necessary for the establishment and implementation of a business relationship and compliance with the associated contractual obligations. The same applies to data the collection of which is required by law.

If you fail to provide us with the requisite information and documents, we are not allowed to establish the desired business relationship, enter into the contract and/or execute the order.

2) Your data protection rights, especially your rights of access, rectification and deletion

Every person whose data are or were processed by us has the following rights, provided that these are not subject to statutory limitations and do not infringe any statutory provisions:

- Right to **receive information** on whether personal data are processed and, if so, on the nature of the data and the extent of their processing
- Right to **rectification, completion** and/or **deletion** of the personal data
- Right to **restrict the processing** of personal data
- Right to **transfer** personal data
- Right to **object** to a processing activity (under certain conditions)
- Right to **revoke the declaration of consent at any time**. This revocation does not affect the lawfulness of the processing activities that occurred as a result of the consent up to the date of its revocation.

As regards the rights to rectification and deletion, the restrictions stipulated in § 4 Section 2 of the Data Protection Adjustment Act 2018 shall apply. Moreover, the person concerned has the **right to file a complaint** with the data protection authority.

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Information on your right to object

1. Right to object on a case-by-case basis

You are entitled to object to the processing of your personal data if it serves grounds of public interest and the balancing of interests.

If you file an objection, we will no longer process your personal data unless we provide compelling legitimate grounds for the processing that outweigh your interests, rights and liberties. The same applies if the processing occurs for the purpose of asserting, exercising or defending any legal claims.

2. Right to object to the processing of personal data for marketing purposes

If, within the scope of direct advertising measures, you have given your consent to the processing of your personal data for marketing purposes, you are entitled to object to this type of processing at any time without stating any reasons.

If you object to the processing for marketing purposes, we will no longer use your personal data for these purposes.

The withdrawal of your consent can be addressed without a form requirement via mail to DenizBank AG, Thomas-Klestil-Platz 1, 1030 Vienna or via email to datenschutz@denizbank.at.

9. Further information

Supervisory authority responsible for monitoring compliance with data protection regulations in Austria:

Österreichische Datenschutzbehörde
(Austrian Data Protection Authority)
Wickenburggasse 8
1080 Vienna
Tel.: +43 1 531 15-202525
Fax: +43 1 531 15-202690
Email: dsb@dsb.gv.at
Website: http://www.dsb.gv.at

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