

## DATA PRIVACY INFORMATION

### Information on data processing pursuant to Articles 13 and 14 GDPR (General Data Protection Regulation)

Kommunalkredit Austria AG (the “Bank”) is making every effort to protect the personal data of its customers. The Bank complies with the legal provisions in force regarding the protection, lawful processing and secrecy of personal data as well as data security, in particular the Austrian Data Protection Act (“DSG”), the General Data Protection Regulation (“GDPR”) of the European Union and the Austrian Telecommunications Act (“TKG”). We herewith inform you about the processing of your personal data and the claims and rights you have under data protection and privacy law. The content and extent of data processing depends, for the most part, on the products and services you have requested or agreed upon with us.

#### **1. Who is responsible for data processing and who can you turn to?**

Responsibility for data processing lies with:

**Kommunalkredit Austria AG**

Türkenstraße 9 | 1090 Vienna | Austria

T +43 1 31631 | F +43 1 31631-105

@ [info@kommunalkredit.at](mailto:info@kommunalkredit.at)

W [www.kommunalkredit.at](http://www.kommunalkredit.at)

The **data protection officer** can be contacted at:

@ [datenschutz@kommunalkredit.at](mailto:datenschutz@kommunalkredit.at)

Türkenstraße 9 | 1090 Vienna | Austria

T +43 1 5334795 23

#### **2. What data are being processed and where do these data come from?**

We process the personal data you disclose to us within the scope of our business relationship or as an interested party in our products and services (e.g. in connection with competitions, events). In particular, we receive personal data from you if you are interested in our products, submit applications, fill out online application forms, register for our online services or contact us by e-mail or telephone or if you use our products and services while maintaining a business relationship. Furthermore, we process data which we have lawfully obtained from credit reporting agencies, registers of debtors and publicly available sources (e.g. company register, register of associations, land register, media).

Personal data include your personal details (name, address, contact data, date and place of birth, nationality, occupational details, etc.), identification data (e.g. ID card data, registered address, photo ID) and authentication data (e.g. specimen signature). In addition, personal data may include data on

your occupation and the sector of your activity, your customer ID, order data (e.g. payment orders), data arising from the performance of our contractual obligations (e.g. turnover data), information on your financial status (e.g. credit standing, scoring and rating data, information on taxability and tax residence, account data, type and origin of funds, etc.), advertising and sales data, documentation data, register data, image and video recordings, phone recordings (e.g. phone number, duration of call, date and time of day of the call), information derived from your electronic communication with the Bank (e.g. apps, cookies, etc.), processing results generated by the Bank itself, as well as data needed to meet statutory and regulatory requirements.

### **3. For which purposes and on what legal basis are my data processed?**

#### **3.1 To perform our contractual obligations (Article 6 (1)(b) GDPR)**

Personal data (Article 4(1) and (2) GDPR) are processed for the purpose of conducting and facilitating banking transactions, financial services, in particular for the performance of the contracts we have entered into with you and the execution of your orders as well as for all activities necessary for the operation and management of a credit and financial services institution. The purposes of data processing depend, for the most part, on the specific product and may include, among other things, requirements analyses, advisory services, and the execution of transactions. Data processing merely serves for the performance of contracts within the framework of the business relation with the customer (Art.6 (1)(b) GDPR) and, in the majority of cases, to ensure compliance with the legal obligations of the Bank (Art.6 (1)(c) GDPR; see item 3.2).

#### **3.2 To comply with our legal obligations (Article 6 (1)(c) GDPR)**

The processing of personal data may be necessary to meet various statutory obligations (e.g. under the Austrian Banking Act (BWG), the Austrian Financial Markets Anti-Money Laundering Act (FM-GwG), the Austrian Securities Supervision Act (WAG 2018), the Austrian Stock Exchange Act, etc.) and regulatory requirements (imposed by, e.g., the European Central Bank, the European Banking Authority, the Austrian Financial Market Authority, Deutsche Bundesbank and the German Federal Financial Supervisory Authority (BaFin), etc.), which the Bank, being an Austrian credit institution, is required to comply with.

Examples include:

- Submitting notifications to the Financial Intelligence Unit in certain suspicious cases as provided for by the law (section 16 Austrian Financial Markets Anti-Money Laundering Act);
- Providing information to the Austrian Financial Market Authority pursuant to the Austrian Securities Supervision Act and the Stock Exchange Act, for instance, to monitor compliance with the provisions on market abuse of inside information;
- Providing information to authorities in charge of financial crime matters in proceedings dealing with an intentional financial offence;
- Providing information to fiscal authorities based on existing statutory obligations (e.g. pursuant to section 8 of the Austrian Account Register and Account Inspection Act).

#### **3.3 Within the scope of the consent given by you (Article 6 (1)(a) GDPR)**

If you have consented to the processing of your personal data, we will process these data only for such purposes and to such extent as defined and agreed in the declaration of consent. For instance, the

Bank requests consent within the framework of business marketing in the form of direct marketing measures by electronic means or by telephone in connection with the Bank's banking products, when placing cookies other than technical cookies, etc. You can withdraw your consent at any time (e.g. by email sent to the Bank), effective as of that date.

### **3.4 To pursue legitimate interests (Article 6 (1)(f) GDPR)**

In the process of weighing and balancing the interests of all stakeholders, data may, where necessary, be processed not only for the performance of the contract but also for the purposes of legitimate interests pursued by us or by third parties. In the following cases, data processing takes place for the purposes of legitimate interests:

- Risk assessment, coverage of the risks assumed by us, and ensuring that your claims can be satisfied;
- Consultation of and data exchange with credit reporting agencies and the bank holding your account to determine credit and default risks;
- Assessment and optimization of procedures for the analysis of your requirements and for direct customer contacts;
- Advertising or market and opinion research, provided you have not objected to the use of your data pursuant to Article 21 GDPR and consent is not required for such purposes;
- Business marketing (in which case contacts by electronic means and by telephone always require your consent) and event management, provided – following the weighing balancing of interests – the respective market research and direct marketing activities can be regarded as processing serving a legitimate interest. Otherwise your data will only be used for these purposes with your explicit consent, which can be withdrawn at any time;
- “Compliance”: This is understood to include conformity with legal and other requirements, e.g. deduction of income tax and social security contributions, recording and reporting obligations, audits, conformity with reviews by the state/public authorities, reaction to legal proceedings, pursuit of statutory rights/remedies, defence in litigation, management of internal complaints/claims, investigations and compliance with strategies/procedures;
- Access rights and video surveillance – detailed information is available at the reception desk;
- Planning, implementation and documentation of internal audit measures, business continuity management and forensic analyses aimed to ensure the continuous improvement of our business processes and compliance with regulatory obligations (partly also within the framework of contract performance);
- Ensuring IT security and IT operations, performance of stress tests, development of new products and systems and adaptations of existing ones, migration of data to ensure the stability and integrity of the systems and, in a broader context, the data processed, unless this is obligatory pursuant to section 39 of the Austrian Banking Act. In this context, the personal data disclosed are used primarily for tests that cannot be performed on the basis of anonymous basis at reasonable cost. Data security pursuant to Article 32 GDPR is guaranteed at all times.
- Business management measures and measures aimed at the further development of services and products.

Any other personal data are collected and processed by the Bank exclusively with the customer's consent (e.g. for mailing of newsletters) and to the extent necessary. The customer can withdraw his/her consent at any time, effective as of that date, e.g. by email sent to kundenservice@kommunalkreditinvest.at.

### ***3.5 Transfer of data to a third country or international organization***

Data will only be transferred to countries outside the EU or the EEA (so-called third countries) if this is necessary for the execution of your orders and required by law, if you have given us your consent or within the scope of order data processing. If service providers are used in third countries, they are obliged to comply with the European data protection level.

### ***3.6 Is there an automated decision-making mechanism, including profiling?***

The bank automatically uses and/or processes the customer's personal data within the framework of its anti-money laundering transaction monitoring, the objective being to assess certain personal aspects of the customer (see the details in point 4). Although this is profiling, no automated decision making takes place. The processing is based on the legal and regulatory requirements regarding the fight against money laundering and terrorism financing. The following data are collected and processed within the framework of profiling:

Name, date and place of birth, address, nationality, type of ID document, number of the ID document, place of issue of the ID document, contact details, bank/account details, classification as a "politically exposed person", transaction on own/third-party account, type and date of the transaction, currency, amount, current credit/debit balance, motivation/statement of facts, relevant supporting documents. These measures also serve for the customer's protection.

## ***4. Customer information on data processing pursuant to the Austrian Financial Markets Anti-Money Laundering Act (FM-GwG)***

Pursuant to the Austrian Financial Markets Anti-Money Laundering Act (FM-GwG) and within the framework of its duty of diligence in preventing money laundering and terrorism financing, Kommunalkredit Austria AG is obligated to obtain and retain certain documents and information from its customers upon the establishment of a business relation or in the course of an occasional transaction.

In this context, pursuant to FM-GwG, Kommunalkredit Austria AG is obligated to establish the identity of customers, the beneficial owners of customers or any trustors of the customer, and to verify the purpose pursued by the customer, assess the type of business relation desired by the customer, obtain and verify information about the origin of the funds used, and continuously monitor the business relation and the transactions made within its framework. In particular, credit institutions have to retain copies of the documents and information material required to comply with the aforementioned duties of diligence and to preserve all transaction records.

**The Austrian Financial Markets Anti-Money Laundering Act confers upon credit institutions the statutory authority to use such customer data in complying with the duties of due diligence for the**

**prevention of money laundering and terrorist financing**, which the institution is obligated by law to comply with and which serve the public interest. The data processing operations performed for such due diligence purposes are based on a legal obligation imposed on the bank. For this reason, the bank is not permitted to comply with any objection by the customer to such data processing (Art.6 (1)(c) GDPR).

**All personal data processed and/or stored by the credit institution exclusively on the basis of the Austrian Financial Markets Anti-Money Laundering Act for the purpose of preventing money laundering and terrorism financing have to be deleted after a retention period of ten years after termination of the business relation, unless a longer retention period is required or permitted under the provisions of other federal laws or longer retention periods are imposed by decree by the Financial Market Authority.**

Personal data used by the bank solely on the basis of the Austrian Financial Markets Anti-Money Laundering Act for the purposes of the prevention of money laundering and terrorism financing must not be further processed in a way that is incompatible with those purposes. Such personal data are therefore not processed for any other purposes, such as, for example, commercial purposes.

#### **5. Who receives my data?**

Within the Bank, your data will be provided to those employees or units that need your data to fulfil contractual, legal and regulatory obligations and pursue legitimate interests. Moreover, the following processors mandated by us will receive your data if they need such data to provide the agreed services:

- Back-office service providers, IT service providers and/or providers of data hosting solutions or similar services;
- Other service providers, providers of tools and software solutions supporting the Bank in the provision of its services and acting on behalf of the Bank (including providers of marketing tools, marketing agencies, communication service providers, mailing service providers and call centres).
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All processors process customer data exclusively on our behalf on the basis of the instructions received from the Bank.

Moreover, to the extent required, the Bank transmits the customer's personal data to the following recipients (controllers):

- Any third parties involved in the provision of services to the customer for the performance of the contractual obligations of the Bank (e.g. distribution partners);
- External third parties, to the extent required, on the basis of legitimate interests of the Bank (e.g. public accountants and tax advisors, insurance companies in the event of a loss covered by insurance, legal representatives, if required);
- Public authorities and other public bodies, to the extent obligated by law (e.g. financial authorities).

All processors and controllers are contractually obligated to treat your data confidentially and to process them exclusively within the framework of service provision.

With respect to data transmission to other third parties, please note that as an Austrian credit institution we are obligated to observe banking secrecy pursuant to section 38 of the Austrian Banking Act and therefore keep confidential all customer-related information and facts entrusted or made accessible to us within the scope of our business relationship. We are therefore only allowed to transmit your personal data if you have expressly released us, in advance and in writing, from our obligation to observe banking secrecy or if we are obligated or authorised to do so under legal and/or regulatory provisions. Other credit institutions and financial institutions or similar entities to which we transmit data in the course of our business relationship with you may be the recipients of your personal data in this context.

#### **6. For how long will my data be stored?**

Where necessary, we store your personal data for the duration of our entire business relationship [from (pre-contractual) first contacts to contract execution to contract termination] or as long as necessary to achieve the above-mentioned purpose/s and, beyond that, pursuant to legal retention or documentation requirements, based, inter alia, on the Austrian Company Code (UGB) or the German Commercial Code (HGB), the Austrian Federal Tax Code (BAO) or the German Federal Tax Code (AO), the Austrian Banking Act (BWG), the Austrian Financial Markets Anti-Money Laundering Act (FM-GwG) or the German Anti-Money Laundering Act (GwG), the Austrian Securities Supervision Act (WAG 2018) and the German Securities Trading Act (WpHG). As a rule, data storage is required for a period of seven or, in certain instances, ten years.

Furthermore, if need arises, the Bank stores the customer's personal data beyond the deadlines specified above, as long as claims can be derived from the relation between the customer and the Bank and/or until a specific incident or case in litigation is finally resolved. This longer period of data storage serves to uphold the Bank's legitimate interests in raising and clarifying legal claims or defending itself against such claims.

#### **7. What data protection rights do I have?**

You have, at any time, a right to access, rectification, erasure or restriction of processing of your stored data, a **right to object** to processing as well as a right to data portability as set out in data protection law (see Article 15 et seq. GDPR). If you have any questions regarding issues of data protection law, please do not hesitate to contact the Bank or the data protection officer. Moreover, the customer can withdraw his/her consent at any time and without indicating a reason in order to prevent the continued use of his/her personal data collected and used on the basis of an earlier declaration of consent.

Complaints can also be addressed to the competent data protection authority:

- In Austria: Datenschutzbehörde | Barichgasse 40-42 | 1030 Vienna | [www.dsb.gv.at](http://www.dsb.gv.at)
- In Germany: Bundesbeauftragte für den Datenschutz und die Informationsfreiheit (BfDI) | Husarenstraße 30 | 53117 Bonn | [www.bfdi.bund.de](http://www.bfdi.bund.de)

**8. Am I obliged to provide data?**

In the context of our business relationship, you are obliged to provide such personal data as are necessary to establish and manage the business relationship and which we are required by law to collect. If you fail to provide such data, we will, as a rule, have to refuse to enter into a contract with you or to execute an order or we will no longer be able to perform an existing contract and must therefore terminate it. However, you are not obliged to consent to the processing of data other than those that are of relevance for the performance of the contract and/or that are required under legal or regulatory provisions.

**9. Amendment of data privacy information**

Please note that we may amend the present data privacy information as and when necessary. You will always find the most recent version of this information on our website at [www.kommunalkredit.at/datenschutz](http://www.kommunalkredit.at/datenschutz), [www.kommunalkreditdirekt.at](http://www.kommunalkreditdirekt.at).