

## DATA PRIVACY INFORMATION

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

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 is governed for the most part by the products and services you have applied for or agreed on 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 | 1092 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 of

Kommunalkredit Austria AG is:

Klaudia Paulitsch, MA

Türkenstraße 9 | 1092 Vienna | Austria

T +43 1 31631-506

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

#### 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. 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) and authentication data (e.g. specimen signature). In addition, personal data may include 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, etc.), advertising and sales data, documentation data, register data, picture and video recording, phone recording (e.g. phone number, duration of call, date and time stamp), information from your electronic communications 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 based on which legal grounds are my data processed?**

We process your personal data in accordance with the provisions of the European General Data Protection Regulation (GDPR), the 2018 Austrian Data Protection Act (DSG) and the 2017 German Federal Data Protection Act.

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

Personal data (Article 4(1) and (2) GDPR) are processed to provide and broker banking transactions, financial services, in particular, to perform the contracts we have entered into with you and to execute your orders as well as to carry out all activities necessary for the operation and management of a credit and financial services institution. The purposes of data processing are governed first and foremost by the specific product and may include, among other things, requirement analyses, advisory services, and the execution of transactions.

#### **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 cases of suspicions (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 given consent 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. You can withdraw your consent with effect for the future at any time (e.g. you can object to the processing of your personal data for marketing and advertising purposes if you no longer agree to such processing in the future).

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

Upon balancing the interests of all stakeholders, data may, where necessary, be processed not only for the performance of 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:

- consultation of and data exchange with credit reporting agencies and the bank where you keep your account to determine credit and default risks;
- assessment and optimisation of procedures for requirement analyses and direct customer contacts and communications;
- advertising or market and opinion research, unless you have objected to the use of your data pursuant to Article 21 GDPR;
- video surveillance to collect evidence in the case of criminal offences; serving mainly to protect customers and employees;
- recording of telephone conversations (e.g. in treasury);
- measures for business management and the further development of services and products;
- measures to protect employees and customers as well as the property of the bank;
- measures to prevent and combat fraud;
- in the context of legal action.

### 4. Who receives my data?

Your data will be provided to those employees or departments of the bank which need your data to fulfil contractual, legal and regulatory obligations and pursue legitimate interests. Moreover, processors commissioned by us (e.g. the bank where you keep your account, IT and back office service providers, customer service centres) will receive your data if they need such data to provide the agreed service. All processors and sales partners are contractually obligated to treat your data as confidential and to process them only to the extent necessary to perform their services.

Where statutory or regulatory obligations apply, public authorities and institutions (e.g. the European Banking Authority, the European Central Bank, the Austrian Financial Market Authority, fiscal authorities, etc.) may be the recipients of your personal data.

With respect to data transfer to other third parties, please note that as an Austrian credit institution we are obligated to observe banking secrecy under section 38 Banking Act and therefore to 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 transfer your personal data if you have expressly waived, in advance and in writing, 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 transfer data in fulfilling our business relationship with you may be the recipients of your personal data in this context.

### **5. 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 Business 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).

### **6. 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 think that in processing your data we are infringing statutory data protection provisions, please contact us so we can discuss your concerns.

You can also address any complaints you may have to the competent data protection authority:

- In Austria:                   Datenschutzbehörde | Wickenburggasse 8-10 | 1080 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)

### **7. Do I have to provide data?**

In the context of our business relationship, you have to provide such personal data as are necessary to establish and manage the business relationship or which we are required to collect by law. 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 obligated to consent to the processing of other data that are not relevant for the performance of contract and/or that are not required under legal or regulatory provisions.

### **8. Will your data be passed on to other parties?**

We will not pass on personal data collected during your use of our website to third parties, unless this is necessary for us to meet our obligations or unless we are obligated to do so by law or by order of a public authority. However, your personal data will also be processed by our service providers (processors) on our behalf. Such processors include, without limitation, marketing tool providers, IT service providers, other tool and software providers, IT maintenance services and other providers of similar services. All of our processors will process your data only upon our order and based on our instructions for the purposes mentioned above.

### **9. Does automated decision-making and profiling take place?**

We partly rely on automation to process your data with a view to assessing certain personalised aspects (profiling). We use profiling, for example, in the following circumstances:

- We are subject to legal and regulatory requirements to combat money laundering and terrorist financing. This also includes data evaluation, such measures being taken for your own protection as well.

### **10. 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).

## **II. Information on data processing under the Austrian Financial Markets Anti-Money Laundering Act (FM-GwG)**

The Austrian Financial Markets Anti-Money Laundering Act obligates Kommunalkredit Austria AG, in the context of duties of due diligence for the prevention of money laundering and terrorist financing, to obtain, and retain, certain documents and information from customers when establishing a business relationship or carrying out an occasional transaction.

Under the Austrian Financial Markets Anti-Money Laundering Act, Kommunalkredit Austria AG must identify and verify, among other things, the identity of customers, of customers' beneficial owners, or of any settlors of the customer. Furthermore, it has to assess the objective pursued by the customer and the type of business relationship desired by the customer and to obtain and verify information on, and, if necessary, obtain proof of, the origin of the funds used and to continuously monitor the business relationship and any transactions carried out within its scope. Banks must, in particular, make copies of the documents and information received which are necessary to meet the described due diligence obligations and retain said copies as well as supporting evidence and records of transactions.

**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 public interests. 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 withdrawal of consent by the customer for such data processing.

**Following a five-year retention period from the end of the business relationship, the bank must delete all personal data processed and/or stored 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 terrorist financing, unless a longer retention period is required or permitted under the provisions of other federal laws or longer retention periods are officially imposed 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 terrorist financing must not be further processed in a way that is incompatible with those purposes. Such personal data must not be processed for any other purposes, such as, for example, commercial purposes.