



Data protection notice from ProCredit Bank AG

Data protection notice

The following data protection notice provides information on the collection and processing of your data. The following information is intended to give you an overview of how we process your personal data and of your rights under data protection legislation. Which specific data are processed, and how they are used, depends primarily on the services you have applied for or contracted.

1. Who is responsible for processing data and who can I contact about this matter?

Your data are processed by:

ProCredit Bank AG

Europa-Allee 12-22

60327 Frankfurt am Main

Tel.: +49 69 719129-0

Fax: +49 69 719129-299

You can contact our bank's Data Protection Officer by phone, fax or email:

Data Protection Officer

Tel.: +49 69 719129-0

Fax: +49 69 719129-299

deu.datenschutzbeauftragter@procredit-group.com

2. Which sources and data do we use?

We process your personal data whenever you contact us, e.g. when you fill in an online application form to open an account, or if you are already a client, when you contact us by email or phone, or when you use our products and services under the terms of our business relationship. In addition, if it is necessary for the purposes of providing our services, we process personal data that we legitimately collect from publicly accessible sources (e.g. commercial registers, associations registers, other public registers, the press, the Internet), or which other companies belonging to the ProCredit group or other third parties legitimately supply to us.

Relevant personal data include your name, address and other contact data, your date and place of birth, your nationality, as well as your identity verification data (e.g. your identity document data) and authentication data (e.g. your sample signature). Additionally, relevant personal data can also include transaction data (e.g. payment orders), data relating to the fulfilment of our contractual obligations (e.g. payment turnover data), information on your financial situation (e.g. your payment behaviour), advertising and marketing data, documentation data (e.g. recordings of telephone calls made for the purpose of issuing instructions) and other data comparable to the aforementioned categories (e.g. sociodemographic data such as civil status).



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3. Why do we process your data (purpose of the processing) and what is the legal basis for this?

We process personal data in accordance with the requirements of the EU General Data Protection Regulation (GDPR) and the German Data Protection Act (BDSG):

a. To fulfil our contractual obligations (Art. 6(1)(b) GDPR)

Data are processed in order to perform banking transactions and financial services in the context of the performance of our contracts with our clients or in order to take steps at the request of our clients prior to entering into a contract. The purposes for which data processing takes place depend primarily on the specific product (e.g. account, deposits) and can include needs analyses, advice and the execution of transactions. For further details regarding the purposes of data processing, please consult the respective contractual documents and terms and conditions of business.

b. In connection with balancing interests (Art. 6(1)(f) GDPR)

If necessary, we process your data to a degree beyond that which would be strictly necessary for the performance of the contract in order to safeguard our legitimate interests or those of third parties. Some examples:

- Business management measures and measures aimed at developing services and products,
- Ensuring the bank's IT security and IT operations,
- Auditing and optimising the procedures used for needs analysis conducted for the purpose of addressing clients directly,
- Advertising or market and opinion research, unless you have exercised your right to object to the use of your data for these purposes,
- Establishing legal claims and defending them in the event of legal disputes,
- Preventing and investigating crimes,
- Video surveillance for the purpose of safeguarding the right to control access, collecting evidence in the event of robberies and fraud, or proving deposit and other transactions, e.g. at ATMs (see also section 4 BDSG),
- Measures to ensure the security of buildings and equipment (e.g. monitoring access to restricted areas),
- Measures to safeguard the right to control access.

c. Based on your consent (Art. 6(1)(a) GDPR)

Provided that you have granted your consent to our processing your personal data for certain purposes (e.g. to pass on your data to other group entities, to analyse payment transaction data for marketing purposes), this processing is legitimate on the basis of your consent. Consent can be withdrawn at any time. This also applies to the withdrawal of declarations of consent given to us before the GDPR came into force, i.e. before 25 May 2018. The withdrawal of consent does not affect the legitimacy of the processing of data prior to withdrawal.

d. To comply with a legal obligation (Art. 6(1)(c) GDPR) or to act in the public interest (Art. 6(1)(e) GDPR)

In addition, we as a bank are subject to various legal obligations, i.e. requirements under certain laws (e.g. the German Banking Act, the German Money Laundering Act, taxation laws) and the requirements of banking supervisory authorities (e.g. the European Central Bank, the European Banking Authority, Deutsche Bundesbank and the German Federal Financial Supervisory Authority). The purposes of data processing include verification of identity and age, prevention of fraud and money laundering, compliance with monitoring and reporting requirements under tax law, and the assessment and management of risks in the bank and in the ProCredit group.

**Data protection notice from ProCredit Bank AG****4. Who receives my data?**

Within the bank, access to your data is given to those units which require them in order to fulfil our contractual and legal obligations. Service providers and agents engaged by us can also receive data for these purposes, provided that they maintain banking secrecy. This applies to companies in the categories IT services, payment transactions, telecommunications and marketing.

With regard to the transfer of data to recipients outside our bank, it should first be noted that, as a bank, we are obliged to maintain the confidentiality of all client-related facts and assessments that become known to us (banking secrecy in accordance with item 2 of our General Terms and Conditions). We are only permitted to pass on your data if legal requirements oblige us to, or if you have given your consent, or if we are authorised to disclose details of financial affairs. Under these preconditions, the following can, among others, be recipients of personal data:

- Public offices and institutions (e.g. Deutsche Bundesbank, German Federal Financial Supervisory Authority, European Banking Authority, European Central Bank, financial authorities, law enforcement authorities), if a legal or official requirement exists.
- Other credit or financial service institutions or comparable entities to which we transfer your personal data in order to perform our contract with you (e.g. correspondent banks, credit agencies, depending on the nature of the contract).
- Other companies belonging to the ProCredit group for the purposes of risk management in accordance with legal or official obligations.

Additional recipients of data can include those entities for which you have given your consent for us to transfer data to them, or towards which you have exempted us from banking secrecy pursuant to an agreement or consent.

5. Are data submitted to a third country or to an international organisation?

Data are transferred to entities in states outside the European Union ("third countries"), provided that

- it is necessary for the execution of your instructions (e.g. payment orders),
- it is legally required (e.g. reporting requirements under tax law), or
- you have granted your consent.

6. How long will my data be stored?

We process and store your personal data for as long as we need them in order to fulfil our contractual and legal obligations. In this context it should be noted that our business relationship is a continuing obligation which is expected to exist for a number of years.

If data are no longer needed in order to fulfil contractual or legal obligations, they are regularly erased unless their further processing – for a limited period – is necessary for the following purposes:

- Compliance with minimum retention periods under commercial law or tax law: For example, those specified in the German Commercial Code (HGB), the German Fiscal Code (AO), the German Banking Act (KWG), the German Money Laundering Act (GwG). These laws stipulate a minimum retention or documentation period of between two and ten years.
- Maintenance of evidence in compliance with legal limitation periods. Pursuant to sections 195ff of the German Civil Code (BGB), these limitation periods can be up to 30 years, but as a rule the limitation period is 3 years.



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7. What are my rights with regard to data protection?

Each data subject has the right of access to the data pursuant to Article 15 GDPR, the right of rectification pursuant to Article 16 GDPR, the right to erasure pursuant to Article 17 GDPR, the right to restriction of processing pursuant to Article 18 GDPR, the right to object pursuant to Article 21 GDPR and the right to data portability pursuant to Article 20 GDPR. With regard to the provision of information to the data subject and the right to erasure, the restrictions pursuant to sections 34 and 35 BDSG apply. In addition, you have the right to lodge a complaint with a relevant data protection supervisory authority (Article 77 GDPR in conjunction with section 19 BDSG).

You can withdraw your consent for us to process your personal data at any time. This also applies to the withdrawal of declarations of consent given to us before the General Data Protection Regulation came into force, i.e. before 25 May 2018. Please note that the withdrawal of consent only applies to the future. Data processing that took place prior to withdrawal of consent is not affected.

8. Am I required to provide data?

Under the terms of our business relationship, you are required to provide those personal data that are necessary for the establishment and implementation of a business relationship and fulfilment of the contractual obligations associated with that relationship, or that we are legally obliged to collect. Without these data we will generally not be able to conclude or fulfil a contract with you.

In particular, the anti-money laundering requirements oblige us, prior to the establishment of the business relationship, to verify your identity on the basis of your identity document, and to collect and record your name, place of birth, date of birth, nationality and address as well as your identity document data. To enable us to comply with this legal obligation, you are required under the German Money Laundering Act to provide us with the necessary information and documents and to inform us without delay of any changes that take place during the course of the business relationship. If you do not provide us with the necessary information and documentation, we are not permitted to establish or continue the desired business relationship.

9. To what extent is decision-making automated?

As a matter of principle, we do not use fully automated decision-making as referred to in Article 22 GDPR for the purpose of establishing and conducting a business relationship. If we do apply such procedures in individual cases, we will inform you separately, provided that we are legally obliged to do so.



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10. Does profiling take place?

We partially subject your data to automated processing with the aim of evaluating certain personal aspects (profiling). For example, we use profiling in the following case:

- Due to legal and regulatory requirements, we are obliged to combat money laundering, terrorist financing and other offences posing a risk to assets. In this context, we perform data analyses (of payment transactions, among other operations). At the same time, these measures also serve to protect you.
- When assessing your creditworthiness, we use scoring. This involves calculating the probability that payment obligations will be fulfilled by a client in accordance with the respective contract. Input variables for this calculation can include, for example, income situation, expenses, existing liabilities, profession, employer, duration of employment, history of the business relationship to date, timely repayment of previous loans and information obtained from credit agencies. This scoring is based on mathematical-statistical best practices. The scoring values support us in our decision-making when concluding contracts for our products, and are taken into consideration in our ongoing risk management.

Information on your right to object pursuant to Article 21 of the EU General Data Protection Regulation (GDPR)³⁶

1. Case-by-case right to object

At any time, you have the right to object, on grounds relating to your particular situation, to the processing of personal data concerning you on the basis of Article 6(1)(e) GDPR (Data processing in the public interest) and Article 6(1)(f) GDPR (Data processing on the basis of a balance of interests). This also applies to profiling as defined in Article 4(4) GDPR based on this regulation.

If you object, we will no longer process your personal data, unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or unless the processing is needed for the establishment, exercise or defence of legal claims.

2. Right of objection to the processing of data for direct marketing processes

In individual cases, we process your personal data in order to conduct direct marketing. Where personal data are processed for direct marketing purposes, you have the right to object at any time to the processing of personal data concerning you for such marketing; this also applies to profiling to the extent that it is related to direct marketing.

If you object to processing for direct marketing purposes, your personal data will no longer be processed for such purposes.

The objection can be submitted in any format and should be sent to the attention of:

ProCredit Bank AG
Customer Service
Europa-Allee 12-22
D-60327 Frankfurt am Main
Fax: 069 719129-299
E-Mail: deu.customerservice@procredit-group.com