

## <sup>1/7</sup> **Data protection information under the EU General Data Protection Regulation (GDPR) for “natural persons”**

This information is applicable for current and potential clients of Bank Vontobel Europe AG (hereinafter referred to as “Vontobel” or “we”).

Vontobel is committed to comply with bank-client confidentiality as well as data protection laws and regulations and to thus ensuring the protection and confidentiality of your Personal Data. The following information shall provide an overview of how we process your Personal Data and of your rights under data protection laws and regulations. Which specific data are processed and how they are used depends largely on the services requested or agreed in each case. However, we process data about individuals (“Personal Data”), including data about the employees and contractors of our suppliers.

Please also forward this information to the current and future authorized representatives and beneficial owners as well as any co-obligors under a loan. These include e. g., beneficiaries in the event of death, commercial attorneys-in-fact or guarantors.

### **1. Who is responsible for the data processing and who can I contact in this regard**

The following unit is responsible for the data processing:

Bank Vontobel Europe AG  
Alter Hof 5  
80331 Munich  
Germany

Additionally you can contact our corporate data protection officer (DPO):

Bank Vontobel Europe AG  
c/o Data Protection Officer  
Alter Hof 5  
80331 Munich  
Germany

E-Mail: [dpo.de@vontobel.com](mailto:dpo.de@vontobel.com)

### **2. What source and what type of data do we process**

We process Personal Data which has been given to us from our current and/or potential clients in the context of our business relationship. Should it be necessary for the provision of our services, we process Personal Data that we lawfully (e.g., for executing orders, performing contracts or on the

2/7 basis of your consent) received from other entities within the Vontobel Group or other third parties (such as private commercial databases). Additionally, we process Personal Data from publicly available sources (e. g., debtor directories, land registers, commercial registers and registers of associations, press, Internet) which we lawfully obtain and are permitted to process.

Further, we process Personal Data in dealing with current and potential clients (such as name, address and other contact details (telephone, e-mail address), title, date of birth, gender, nationality, marital status), partner type data (employed / self-employed), identification data (such as ID, tax-ID), certification data (such as specimen signatures), contract related data (such as sales data in payment transactions), order data including online banking (such as payment orders), and information regarding your financial situation (such as creditworthiness data, scoring/rating data, origin of assets), CVs, criminal records or any other information publicly available or accessible through third party providers. In addition to the categories mentioned, we also process advertising and sales data (including advertising scores), documentation data (such as consultation protocols) and other data comparable with the above categories.

### **3. Does Vontobel collect special categories of data (Art. 9 GDPR)**

To the extent that we process any special categories of data relating to you, we will do so because the processing is necessary for the establishment, exercise or defense of a legal claim, for reasons of substantial public interest or you have given your explicit consent to Vontobel to process that data (where legally permissible). In that sense, we might process biometric data that is classified as sensitive Personal Data (Art. 4 (14), Art. 9 (1) GDPR). In this respect, your explicit consent will be required in a separate procedure in order to obtain a biometric identification (e.g. Touch ID) to use it for access to certain applications.

### **4. For what purpose do we process your data and on what legal basis**

We process the aforementioned Personal Data in compliance with the provisions of the EU General Data Protection Regulation (GDPR).

#### **4.1. On the basis of your consent (Art. 6 (1) (a) GDPR)**

Insofar as you have granted us consent to the processing of Personal Data for specific purposes (such as transfer of data within the Vontobel Group, analysis of trading activities for marketing purposes etc.), the lawfulness of such processing is based on your consent. Any consent granted may be revoked at any time. This also applies to the revocation of declarations of consent that are granted to us prior to the entry into force of the GDPR, i. e., prior to 25<sup>th</sup> of May 2018.

Please be advised that the revocation shall only have effect for the future. Any processing that was carried out prior to the revocation shall not be affected thereby.

#### **4.2. For fulfillment of contractual obligations (Art. 6 (1) (b) GDPR)**

Data is processed in order to provide banking business and financial services in the context of carrying out our contracts with our clients or to carry out pre-contractual measures that occur as part of a request. The purposes of data processing are primarily in compliance with the specific products

3/7 and services (such as bank account, credit, saving with building societies, securities, deposits, client referral) and can include needs assessments, advice, asset management and support, as well as carrying out transactions. You can find other details about the purposes of data processing in the relevant contract documents and terms and conditions.

#### **4.3. For compliance with a legal obligation (Art. 6 (1) (c) GDPR) or in the public interest (Art. 6 (1) (e) GDPR)**

As a licensed bank and broker, we are also subject to various legal obligations, i. e., statutory requirements (such as the German Banking Act, German Investment Code, German Stock Exchange Act, German Securities Trading Act, ordinances and circulars issued by the German Federal Financial Supervisory Authority (BaFin) and the European Securities and Markets Authority (ESMA), tax laws) and bank regulatory requirements of the Deutsche Bundesbank, BaFin or ESMA. Other purposes of processing include assessment of creditworthiness, identity and age verification, anti-fraud and anti-money laundering measures, the satisfaction of tax law control and reporting obligations as well as the assessment and management of risks in the bank and the Vontobel Group.

#### **4.4. For the purposes of safeguarding legitimate interests (Art. 6 (1) (f) GDPR)**

Where necessary, we process your data beyond the actual performance of our contractual obligations in order to safeguard the legitimate interests pursued by us or a third party, which does not unduly affect your interest or fundamental rights and freedoms. Besides the following examples, we also obtain Personal Data from publicly available sources for client acquisition purposes:

- Consulting and exchanging data with information offices (e.g. debt register) to investigate creditworthiness and credit risks in credit business and the requirement for an account maintained with a basic non-sizable balance and basic accounts;
- Reviewing and optimizing procedures for needs assessment for the purpose of direct client discussions;
- Marketing or market and opinion research, unless you have objected to the use of your data;
- Asserting legal claims and defense in legal disputes;
- Guarantee of a bank's IT security and IT operation;
- Prevention and investigation of crimes;
- Video surveillance to protect the right of the owner of premises to keep out trespassers, for collecting evidence in hold-ups or fraud, or to prove availability and deposits, e.g. at ATMs, office entrances;
- Measures for building and site security (e.g. admittance controls);
- Measures for ensuring the right of the owner of premises;
- Measures for business management and further development of services and products;
- Group risk management.

For all the data processing foreseen in para. 4.2 to 4.4 the juridical base of the data processing is constituted by the necessity of carrying out a legal obligation. Therefore in those cases the obtaining of your preventive consent to this data processing is not necessary.

## 5. Who receives your data

Within Vontobel, those units are given access to your data which require them in order to perform our contractual, legal and regulatory obligations. Service providers and vicarious agents employed by us can also receive access to data for the purposes given, if they maintain banking confidentiality and our written instructions under data protection law and regulation. These are companies in the categories of banking services, IT services, logistics, printing services, telecommunications, collection, advice and consulting, sales and marketing.

With regard to transferring data to recipients outside Vontobel, it must first of all be noted that as a bank we are under a duty to maintain secrecy about any client-related facts and evaluations of which we may have knowledge. We may only disclose information about you if we are legally required to do so, if you have given your consent, if we are authorized to provide bank information and / or if processors commissioned by us guarantee compliance with banking secrecy and the provisions of the GDPR.

Under these requirements, recipients of Personal Data might be, for example:

- Public authorities and institutions (such as financial supervisory authorities, financial authorities, criminal prosecution authorities) insofar as a statutory or official obligation exists;
- Other companies within Vontobel Group for risk control due to statutory or official obligation;
- Other credit and financial service institutions, comparable institutions and processors to whom we transfer your Personal Data in order to perform any business relationship with you (specifically: processing of bank references, support / maintenance of electronic data processing / IT applications, archiving, document processing, callcenter services, compliance services, controlling, data screening for anti-money laundering purposes, data destruction, purchasing / procurement, space management, real estate appraisals, loan processing service, collateral management, collection, customer management, marketing, media technology, reporting, research, risk controlling, expense accounting, telephony, video identification, website management, investment services, share registers, fund management, auditing services, payment transactions).

Other recipients of data might be any units for which you have given your consent to the transfer of data or with respect to which you have exempted us from banking secrecy by agreement or consent.

## 6. Is data transferred to a third country or to an international organization

Data will only be transferred to countries outside the EU or the EEA (so-called third countries) if this is required for the execution of your orders (such as payment and securities orders), prescribed by law (such as reporting obligations under tax law), if you have given us your consent or in the context of commissioned data processing. If service providers in a third country are used, they are obligated to comply with the data protection level in the EU in addition to written instructions by agreement of the EU standard contractual clauses.

We take our obligation seriously to ensure that any transfers outside the EU or the EEA are only made where the transfer is made to entities that can demonstrate equivalence in standards of security and other relevant data processing requirements.

## **7. For how long will my data be stored**

We process and store your Personal Data as long as it is necessary for the performance of our contractual and statutory obligations. In this regard, it should be noted that our business relationship is a continuing obligation designed to last for several years. We have processes in place to review at various points the different categories of data that we hold to ensure that we do not hold these for an excessive period of time.

If the data are no longer required for the performance of our contractual and statutory obligations, they are regularly deleted.

## **8. Data protection rights**

### **8.1. In general**

Every data subject has the right to access (Art. 15 GDPR), the right to rectification (Art. 16 GDPR), the right to erasure (Art. 17 GDPR), the right to restrict processing (Art. 18 GDPR), the right to object (Art. 21 GDPR), and if applicable, the right to data portability (Art. 20 GDPR). Furthermore, if applicable to you, there is also a right to lodge a complaint with an appropriate data privacy regulatory authority (Art. 77 GDPR). The rights are depending on the lawful basis selected for holding the particular data.

You may revoke your consent to the processing of Personal Data at any time. This also applies to the revocation of declarations of consent that are granted prior to the entry into force of the EU General Data Protection Regulation, i.e., prior to 25<sup>th</sup> of May 2018. Please be advised that the revocation will only take effect in the future. Any processing that was carried out prior to the revocation shall not be affected thereby.

### **8.2. Ad hoc right of objection (Art. 21 GDPR)**

You have the right to object, on grounds relating to your particular situation, at any time to processing of Personal Data concerning you which is based on processing in the public interest (Art. 6 (1) (e) GDPR) and for the purposes of safeguarding legitimate interests (Art. 6 (1) (f) GDPR); this includes any profiling based on those provisions within the meaning of Art. 4 (4) GDPR.

If you submit an objection, we will no longer process your Personal Data unless we can give evidence of mandatory, legitimate reasons for processing which outweigh your interests, rights, and freedoms, or processing serves the enforcement, exercise, or defense of interests. Please note, that in such cases we will not be able to provide services and maintain a business relation.

### **8.3. Right to object to the processing of data for marketing purposes**

In certain cases, we process your Personal Data for direct marketing purposes. You have the right to object at any time to processing of Personal Data concerning yourself for such marketing, which includes profiling to the extent that it is related to such direct marketing.

If you object to processing for direct marketing purposes, we will no longer process your Personal Data for such purposes. There are no formal requirements for lodging an objection.

## **9. Am I under any obligation to provide data**

Within the scope of our business relationship, you must provide Personal Data which is necessary for the initiation and execution of a business relationship and the performance of the associated contractual obligations or which we are legally obligated to collect. As a rule, we would not be able to enter into any contract or execute the order without these data or we may no longer be able to carry out an existing contract and would have to terminate it.

In particular, provisions of money laundering law require that we verify your identity before entering into the business relationship, for example, by means of your identity card and that we record your name, place of birth, date of birth, nationality and your residential address. In order for us to be able to comply with this statutory obligation, you must provide us with the necessary information and documents and notify us without undue delay of any changes that may arise during the course of the business relationship. If you do not provide us with the necessary information and documents, we will not be allowed to enter into or continue your requested business relationship.

## **10. To what extent is automated decision-making (including profiling) carried out**

As a rule, we do not make decisions based solely on automated processing as defined in Art. 22 GDPR to establish and implement the business relationship. If we use these procedures in individual cases, we will inform you of this separately, provided that this is prescribed by law. In such a case, you will have a right to object to these procedures under certain circumstances.

## **11. Is profiling used within Vontobel**

In some cases, we process your data automatically with the aim of evaluating certain personal aspects (profiling). Examples:

- We are required by law to take measures against money laundering, fraud, terrorism financing and offenses that pose a danger to assets. Data evaluations are also carried out (in payment transactions, among other things) in this context. These measures also serve to protect you;
- In order to provide you with targeted information and advice on products, we use evaluation tools. These enable demand-oriented communication and advertising, including market and opinion research;
- We use scoring to assess your creditworthiness. We calculate the likelihood that a given client will meet their contractual payment obligations. The calculation may include, for example, income levels, expenses, existing liabilities, occupation, length of employment, experiences from the previous business relationship, repayment of prior loans in accordance with the contract, and information from credit agencies. Scoring is based on a mathematically and statistically recognized and proven procedure. The calculated score values assist us in our decision-making and are incorporated into ongoing risk management.

## **12. How do we protect Personal Data**

All personnel accessing Personal Data must comply with the internal rules, policies and processes in relation to the processing of any Personal Data to protect them and ensure their confidentiality. They

7/7 are also required to follow all technical and organizational security measures put in place to protect the Personal Data.

We have also implemented adequate technical and organizational measures to protect Personal Data against unauthorized, accidental or unlawful destruction, loss, alteration, misuse, disclosure or access as well as against all other unlawful forms of processing. These security measures have been implemented taking into account the state of the art of the technology, their cost of implementation, the risks presented by the processing and the nature of the Personal Data, with particular care for sensitive data.

### **13. Contact**

Please let us also know if we do not meet your expectations with respect to the processing of Personal Data or you wish to complain about our data protection practices; this gives us the opportunity to examine your issue and make improvements, where necessary. In any of these cases, please send us a clear request in writing or text form (by e-mail), together with a clearly legible copy of a valid official ID document (e.g. passport, ID card), to the entity or the DPO named in para. 1. We will acknowledge receipt as soon as received, examine your issue and reply in good time. If a full response will extend beyond one month, taking into account the complexity and number of the requests, we will advise you of this.

### **14. Other legislation aspects**

In order to comply with other legislations, e.g. Directive 2014/65/EU of the European Parliament (MiFID II), we have to record telephone conversations in some of our legal entities with reference to operations concluded in the performance of our services. For further information about the treatment of your Personal Data in regard to this, please consult our complete information at: [www.vontobel.com/mifid](http://www.vontobel.com/mifid).

### **15. Changes to the Privacy Policy**

This data protection information was last updated on 14<sup>th</sup> of May 2018. It may be subject to amendments. Any future change or additions to the processing of Personal Data as described above affecting you will be communicated to you through an appropriate channel (e.g., will be posted on our website).