



Data protection

Information on data protection under the EU General Data Protection Regulation (“GDPR”) & the German Federal Data Protection Act (“BDSG”)

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General Information

VTB Bank (Europe) SE i.L. is committed to protecting the privacy and confidentiality of your personal information. The security of personal information about you is our priority.

The following information provides an overview of how we process your personal data and gives information concerning your rights under data protection law by taking into account the national (German Federal Data Protection Act – “BDSG”) as well as European (General Data Protection Regulation – “GDPR”) legal requirements on data protection.

Information regarding the responsible data controller & data protection officer

Data Controller:

VTB Bank (Europe) SE i.L.

Rüsterstraße 7-9

D-60325 Frankfurt am Main

Tel: +49 69 2168-0

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E-Mail: service@vtb.eu

Dr. Karsten Kinast, LL.M., Attorney at Law (Germany)

KINAST Rechtsanwaltsgesellschaft mbH

Hohenzollernring 54

D-50672 Cologne

E-Mail: dpo@vtb.eu

Website: <http://www.kinast.eu>

Information regarding the data which is subject to the processing

We process personal data that we receive from you in your function as an authorised representative/ representative of the legal person (interested parties and/ or clients). In addition, we process personal data that we have legitimately obtained and may process data obtained from publicly accessible sources (e.g. land registers, commercial registers, register of associations, press, media, internet).

The relevant personal data of the authorised representative that might be processed may comprise:

- Name data (surname and first name), contact data (e.g. address, telephone, email) as well as additional personal data (e.g. date/ place of birth, gender, nationality)
- Identification data (e.g. username, password, passport, driving license) and authentication data (e.g., sample signature)
- Legally relevant data in accordance with the KYC principle (e.g. customer profile, PEP check)
- Tax-related data (e.g. tax-ID, FATCA status)
- Correspondence (e.g. emails, records of telephone conversations)

Based on the different products / services purchased and used, personal data in addition to the aforementioned data may be collected, processed and stored.

Information regarding the purpose and legal basis of processing

The aforementioned personal data is processed in compliance with data protection requirements and solely on the basis of the requirements stated in Article 6 (1) EU General Data Protection Regulation (“GDPR”):

1. Performance of contractual obligations

The processing of personal data is carried out in order to perform banking transactions and financial services pursuant to contracts with our clients or in order to take steps at the request of our clients prior to entering into a contract.

The specific details regarding the purpose of data processing can be found in the respective contract documents as well as terms and conditions.

2. Compliance with a legal obligation or in the public interest

VTB Bank (Europe) SE i.L. – as a credit institution according to the German Banking Act - is subject to various legal obligations (i.a. German Securities Trading Act, German Money Laundering Act, German Banking Act) as well as banking supervisory requirements of the relevant competent authorities (e.g. European Central Bank (“ECB”), European Banking Authority (“EBA”), European Securities and Markets Authority (“ESMA”), German Federal Financial Supervisory Authority (“BaFin”).

Other purposes of processing include identity check and verification, anti-money laundering and counter terrorist financing measures, compliance with the rules on market abuse and insider information, the fulfilment of tax law control and reporting obligations (to tax or financial crime authorities) as well as measures regarding the assessment and management of risks within the bank and VTB group.

3. On the basis of your consent

Insofar as you have given us consent to the processing of your personal data for specific purposes, the lawfulness of this processing is based on your consent. The processing will only take place in accordance with the purposes set out in the declaration of consent and to the extent agreed therein. Any given consent granted may be revoked at any time, with effect for the future. This also applies to the revocation of declarations of consent that were given to us prior to the validity (entry into force) of the EU General Data Protection Regulation (May 25th, 2018).

4. For purpose of safeguarding legitimate interests

Where necessary for the protection of legitimate interests of third parties or us, we process your data beyond the needs for the actual fulfillment of our contractual obligations. In the following cases data is processed to safeguard legitimate interests:

- Performance of a pre-check (including check regarding AML, embargo, sanctions) to decide whether we enter into a contract initiation with you or not
- Asserting legal claims and mounting a defence in the event of litigation
- Ensuring the bank’s IT security and smooth IT operations
- Preventing crimes
- Video surveillance to safeguard against trespassers, to gather evidence in the event of robbery or fraud or to document disposals and deposits; these especially serve to protect the customers and employees
- Ensuring the buildings and systems security by different measures (e.g. admittance control)

- Measures against trespassing and to ensure the protection of employees and customers and the property of the bank
- Sharing information within VTB group

The personal data provided will only be processed and stored as long as necessary for the fulfillment of the aforementioned purposes - at least, for the duration of the entire business relationship and beyond, in accordance with the regulatory or statutory retention periods.

The storage and documentation obligations arise inter alia from the following:

- German Commercial Code (Handelsgesetzbuch – “HGB”): At least 6/10 years
- German Fiscal Code (Abgabenordnung – “AO”): At least 6/10 years
- German Securities Trading Act (Wertpapierhandelsgesetz – “WpHG”): At least 5 years
- German “Wertpapierdienstleistungs-Verhaltens- & -Organisationsverordnung” (“WpDVerOV”): At least 5 years
- German Money Laundering Act (Geldwäschegesetz – “GWG”): At least 5 years

Insofar as the processing is based on your consent, the deletion of the data will not take place before the revocation of your consent.

Disclosure of personal data

Within the bank, only those offices or employees are given access to your data that require them in order to perform contractual, statutory and regulatory obligations or in case they have legitimate interests.

Furthermore, the personal data may also be transmitted to contract processors (external service providers) provided they comply with the data protection requirements stipulated in the order processing agreements, and provided they commit themselves to maintain secrecy. If we hire a processor, we remain responsible for protecting your information.

With regard to the transfer of data to recipients outside the bank, it must be noted that we are obliged to maintain secrecy about any customer-related information, which have been entrusted or made accessible to us over the course of the business relationship. We may only disclose information about you if we have either a legal or regulatory obligation, an authorisation, or if you have given your consent or released us, in advance, from bank secrecy.

If it is necessary, for the above-mentioned purposes, we will forward your personal data (to the extent required) to the following recipients:

- Banks with group affiliation
- Branches of our bank and our affiliated bank
- Other banks and their branches
- Service providers & partners
- Financial institutions, financial companies and financial services companies
- Society for Worldwide Interbank Financial Telecommunication (S.W.I.F.T.)
- European Central Bank
- German Central Bank
- German Financial Supervisory Authority (“BaFin”) and other (supervisory) authorities
- Other administrative authorities, courts and public bodies
- External legal representatives, notaries, tax consultants, (annual) auditors
- US tax authority

- Creditor protection associations (in Germany: “Schufa”)

Some of the recipients mentioned above may be located outside Germany or the European Union, or may process their personal data outside Germany or the European Union. The level of data protection in these countries might not correspond to that of Germany or the Member States of the European Union. In this context, we would like to point out that we only use contract processors outside the European Union if an adequacy decision of the European Commission is available for the involved third country or if we have agreed on suitable guarantees (e.g. standard contract clauses) or binding internal data protection rules with the contract processor. In these cases, we take all measures to ensure that all recipients offer an adequate level of data protection.

Data transfer to a third country

Data transfers outside the European Union (so-called third countries) will only take place as far as the transfer is necessary for the execution of your orders, if it is legally required (e.g. tax reporting obligations) or if you have given us your prior consent. In this context we would like to emphasize that we submit personal data outside the European Union only if an adequacy decision of the European Commission is available for the involved third country or if we have agreed on suitable guarantees (e.g. EU Standard Contractual Clauses) or binding internal data protection rules with the recipient.

Security of personal data

In order to protect personal data and to guarantee data security, suitable technical and organizational measures (“TOMs”) have been implemented to ensure that personal data provided is not accessed by unauthorized third parties. The technical and organizational measures include, in particular, an authorization concept as well as process-related, organizational and digital protection measures for our IT infrastructure.

These measures are continuously adapted by us, taking into account the latest state of the art, and are regularly reviewed within the framework of audits.

Rights and duties

1. Provision of your data

Within the scope and in the course of our business relationship with the legal entity you represent, you must provide personal data necessary for the initiation and execution of the business relationship and the performance of the contractual obligations associated therewith. You must also provide data that we are legally obliged to collect by law.

In particular, we are obliged under the provisions of money laundering law that we verify your identity before establishing the power of representation/ authorization (e.g. by means of your passport). In addition, as part of this identification, we process further personal data, such as your name, date of birth, place of birth, nationality and your residential address.

To comply with this statutory obligation, the necessary information and documents must be provided. Any changes to this data over the course of the business relationship have to be reported to us

immediately. If the necessary information is not provided, we will not be allowed to establish or continue the representation authorization/authorization requested by the respective legal entity.

Data subjects also have the right to lodge a complaint with a data protection authority.(see: Further information).

2. Your data protection rights

You are entitled to the following rights, provided that they are not subject to any legal restrictions or violate legal provisions:

- Right of **access** as to whether or not personal data are being processed and to what extend processing takes place
- Right to **rectification, amendment** or **erasure** of personal data
- Right to **restrict the processing** of personal data
- Right to **transfer** personal data
- The right to **object** to the processing of any personal data under certain conditions
- Right to **withdraw the given consent at any time**. The withdrawal of consent shall not affect the lawfulness of processing activities based on the consent given before the withdrawal

3. Information regarding your right to object (ad-hoc right to object)

You have the right to object at any time to the processing of your personal data, which is based on public interest and for the purposes of safeguarding legitimate interests.

If you lodge an objection, 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 for the purpose of establishing, exercising and/or defending legal claims.

There are no formal requirements for lodging an objection; if possible, it should be in written form to: dpo@vtb.eu