

EU General Data Protection Regulation (GDPR) and Luxembourg Data Protection Act (DPA)

Data protection information for natural persons

The aim of this data protection information is to give you an overview of the processing of personal data by the Bank, which from a legal perspective on data protection must be regarded as the data controller and the associated rights under the provisions of the EU General Data Protection Regulation (GDPR). The specific data that are processed and the ways in which they are used are essentially dependent on the services and products agreed and/or to be provided in each individual case. Pursuant to domestic banking secrecy legislation the Bank is obliged to protect your privacy and to maintain confidentiality. For this reason the Bank has taken an array of technical and organisational data protection measures relating to any and all processing of your personal data.

In the context of our business relationship with you we are tasked with processing such personal data as are required to open and conduct the business relationship, to fulfil the associated statutory or contractual obligations and to provide services or execute orders. Without such data we will generally be unable to enter into or maintain a business relationship, to carry out orders or to offer our products and services.

If you have questions regarding the processing of specific data or your rights in this regard, please contact:

Responsible organisation:

VP Bank (Luxembourg) SA
2, rue Edward Steichen, L-2540 Luxembourg, T +352 404 770-1, info.lu@vpbank.com

Data protection officer contact details:

VP Bank (Luxembourg) SA, Data Protection Officer, 2, rue Edward Steichen, L-2540 Luxembourg,
T +352 770 999, datenschutz.lu@vpbank.com

1. Which data (categories) are processed and where do they originate from (data provenance)?

We gather and process personal data obtained in the context of our business relationships or the business initiation phase with our prospective clients, our clients and business partners¹. Personal data may be processed at every stage of the business relationship and will vary according to the group of persons involved.

As a general rule we process personal data that are made available to us by means of contracts and forms submitted by you, in correspondence with us or in other documents, or announced in other forms, e.g. orally. To the extent necessary in order to provide our services we also process personal data which you provide whenever you take up certain products or services or which we have obtained from third parties (e.g. from a credit agency), public bodies (e.g. UNO and EU sanction lists) or other VP Bank Group companies.

Finally, the personal data we process may include data from sources in the public domain (e.g. debt directories, land registers, trade and industry associations, the press, the Internet).

In addition to client data we will wherever necessary process personal data relating to other parties involved in the business relationship, such as authorised agents, representatives, cardholders, co-obligors in credit arrangements, guarantors and sureties, legal successors or the beneficial owners of a business relationship. Please be so kind as to share this data protection information with all such involved parties.

We understand "personal data" to refer to the following data categories:

- personal particulars (e.g. name, date of birth, nationality);
- address and contact details (e.g. address, telephone number, e-mail address);
- user identification data (e.g. passport or ID card data) and authentication data (e.g. sample signature);
- information on products and services used and order and risk management data (e.g. payment information, investment experience and investment profile, payment transaction turnover data, information on compliance with due diligence requirements and anti-money laundering rules);
- other client account data and information on the business relationship (e.g. account, contract and portfolio numbers, contract duration, information on spouses/partners and other family details, information on authorised agents or legal representatives);
- information on your financial circumstances and your personal and professional background (e.g. data on your creditworthiness, tax situation and asset provenance as well as information on your requirements, interests, wishes and preferences);
- technical data and information generated by contacts with you (e.g. minutes of advisory conversations) and by your electronic correspondence with the Bank (e.g. logs of system access, changes to settings, website visits);
- audio-visual data (e.g. video or telephone recordings);
- data in the public domain (e.g. debt directories, land registers, trade and industry associations, the Internet).

2. For what purposes and on what legal basis are your data processed?

- We process personal data in accordance with the provisions of the GDPR and the law of 1 August 2018 on the organisation of the Luxembourg data protection supervisory authority (Commission nationale pour la protection des données - CNPD) and the general data protection regime for the following purposes and on the following legal basis (Art. 6 para. 1 GDPR):
- **for the performance of a contract or in order to take steps prior to entering into a contract** in connection with the provision and intermediation of banking transactions and financial services and the processing of orders. The exact purposes of the data processing will largely depend on the specific product or service involved (e.g. account, loan, securities, deposits, brokerage). Your data may be processed among other things to help analyse your service and/or advisory requirements, for asset or relationship management purposes or as part of transaction execution.
- **to fulfil legal obligations or defend the public interest**, in particular in ensuring proper compliance with statutory and regulatory norms (e.g. compliance with the GDPR, the DPA, the Liechtenstein Banking Act, Due Diligence Act and provisions governing the prevention of money laundering and market abuses, tax legislation and treaties, monitoring and reporting duties and risk management standards).
- **to safeguard the legitimate interests of the Bank or third parties** for specifically defined purposes, in particular the assessment of creditworthiness, the posting and realisation of collateral guarantees, the pursuit of claims, product development, marketing and promotion, business analysis and risk control, reporting, statistics and planning, the prevention and investigation of criminal acts, video surveillance to uphold Bank regulations and avert threats, telephone recordings.
- **by virtue of your consent**, given to us to enable the provision and intermediation of banking transactions and financial services or in respect of orders issued by you, such as in relation to the disclosure of data to Group companies or the Bank's service providers and suppliers. You have the right to revoke this consent at any time. The same applies to the revocation of declarations of consent made to the Bank prior to the entry into force of the GDPR, i.e. before 25 May 2018. Revocations of consent apply only to the future and do not affect the lawfulness of any data processing carried out prior to such revocation. Revoking consent may affect the range of services we can offer.

We reserve the right to process personal data obtained for one of the above purposes further for any other of those purposes, providing such further processing is compatible with the original purpose or is permitted or prescribed by law (e.g. reporting duties).

3. Who has access to personal data and for how long are they stored?

Access to your data may be had by individuals and units both within and outside the Bank. Within the Bank your personal data may be processed only by individuals and units that need access in order to discharge our contractual, statutory and regulatory obligations and to safeguard legitimate interests. Subject to compliance with bank/client confidentiality and data protection rules, other Group companies (in particular, our parent company, VP Bank AG, headquartered in Vaduz, Liechtenstein), service providers or authorised agents may have access to personal data for these same purposes. In this context, we refer you to Article 38 of our General Terms and Conditions. Order-processing companies may include firms active in banking, information technology, logistics, printing, collection, advice and consultancy and promotion and marketing. Moreover, in this context your data may be made available to other lending and financial service institutions or similar organisations, which we provide with personal data in order to conduct the business relationship (e.g. correspondent or custodian banks, brokers, securities exchanges, information offices). Further information regarding the services subcontracted to service providers, the country of establishment of the service provider and the transferred Client Information, including personal data, can be found in Appendix 3 of our General Terms and Conditions and on our website (www.vpbank.lu).

Wherever statutory or regulatory obligations apply, your data may also be made available to public bodies and official institutions (e.g. audit firms, supervisory authorities, financial regulators, etc.).

The above recipients may independently disclose Client Information, including personal data, to their agents and/or representatives who will process such Client Information for the sole purpose of assisting the recipients in providing their services to us and/or assisting the recipients in complying with their own legal obligations.

Recipients and sub-recipients may be located either inside or outside the European economic area ("EEA"). If recipients are located outside the EEA in a country that does not provide an adequate level of protection for personal data, controllers will enter into a legally binding transfer agreement with the recipients concerned, in the form of the model clauses approved by the EU Commission. In this context, you have the right to request copies of the relevant document by writing to us in order to enable the transfer of personal data to these countries.

The recipients (when processing the personal data according to our instructions) and sub-recipients (when processing the personal data according to the instructions of the recipient) may process the personal data in their capacity as processors or as separate controllers (when processing the personal data for their own purposes), as appropriate.

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processors or as separate controllers (when processing the personal data for their own purposes), as appropriate.

Alternatively, data are only transmitted to "third countries" (countries outside the EU/EEA) insofar as required for the performance of a contract or in order to take steps prior to entering into a contract, for the provision of services or the processing of orders (e.g. execution of payment orders and securities transactions or issue of a credit card), only if you have given us your consent (e.g. to receive client care from a different VP Bank Group company) or if such transmission is required by compelling reasons in the public interest (e.g. for the prevention of money laundering) or by law (e.g. tax reporting duties).

We process and store personal data for the entire duration of the business relationship, save where obligations pertaining to certain data require their deletion after shorter periods. You should bear in mind that a business relationship with us may last many years. In all other respects the length of time for which data are stored will depend on the need for and purpose of the data processing procedure. Where data are no longer needed in order to fulfil contractual or statutory obligations or to safeguard our own legitimate interests (i.e. the purpose has been achieved), or where the consent given has been revoked, these data are deleted at regular intervals save where further processing is required on the basis of contractual or statutory data storage periods and documentation requirements or in order to preserve evidence for the duration prescribed by the applicable statute of limitations.

4. Is decision-making (including profiling) done on an automated basis?

The decisions we make do not generally rely on any exclusively automated processing of personal data. If we use fully automated processing in certain individual cases, we will inform you separately where so required by law.

There are some business areas in which the processing of personal data is at least partly automated. This is done with a view to evaluating certain personal aspects to the extent required by law and regulation (e.g. for the prevention of money laundering), analysing product and service requirements, in the context of lending (to assess loan affordability and your creditworthiness) and in risk management.

The Bank reserves the right in future to subject client data (including data of involved third parties) to automated analysis and evaluation in order to identify significant personal characteristics of the client or to anticipate future developments and draw up client profiles. These are used most notably in business analysis, customised advisory services and the formulation of special offers and information which the Bank and its Group companies make available to the client as and when required. Client profiles may in future also give rise to automated individual decisions, e.g. automated acceptance and execution of client orders in e-banking.

The Bank will ensure that a suitable contact person is available if the client wishes to express a view on an automated decision, where the opportunity for such expression is envisaged by law.

5. What are your data protection rights?

With regard to the personal data relating to you, your data protection rights are as follows (Art. 7 and Art. 15-21 GDPR):

- **Right to obtain information:** You have the right to know whether the Bank is processing your personal data and, if so, what the scope of such processing is (e.g. the categories of personal data processed, the purposes for which they are processed, etc.).
- **Right to have data corrected/deleted and processing restricted:** You have the right to require the Bank to correct any of your personal data that are inaccurate or incomplete. Furthermore, personal data must be deleted if they are no longer required for the purposes for which they were gathered or processed, if you have revoked your consent or if the data were unlawfully processed in the first place. You also have the right to restrict the processing of your personal data.
- **Right of revocation:** You have the right at any time to revoke your consent to the processing of your personal data for one or more purposes, where such processing is conditional upon your explicit consent. The same applies to the revocation of declarations of consent made

prior to the entry into force of the GDPR, i.e. before 25 May 2018. Please note that such revocations apply only to future data processing. Any processing carried out prior to the revocation is unaffected. Likewise, the revocation has no effect on data processing carried out on a different legal basis.

- **Right of data portability:** You have the right to have the personal data relating to you that you have supplied to the responsible party issued to you in a structured, widely used, machine-readable format and to pass such data on to a different responsible party.
- **Right of complaint:** You have the right to submit a complaint to the competent Luxembourgish supervisory authority. You may also refer the matter to another supervisory authority in an EU or EEA member state, e.g. at the place where you are residing or working or at the location in which the cause of the complaint allegedly occurred.

The contact details of the competent data protection officer in Luxembourg are: Commission nationale pour la protection des données (CNPD), 15, Boulevard du Jazz, L-4370 Belvaux, T +352 26 10 60-1, info@cnpd.lu

Information on your right to object

In individual cases and for reasons arising from your own particular circumstances you have the right to object (without any need to meet formal requirements) to the processing of data where this is done in the public interest to safeguard the legitimate interests of the Bank or a third party.

Further, you have the right to object (without any need to meet formal requirements) to the use of personal data for promotional purposes. If you object to the processing of your personal data for direct advertising, we will no longer process your personal data for these purposes.

Such objections should preferably be submitted in writing to the responsible data protection officer. He or she is at your disposal as a contact point for all other matters relating to data protection legislation.

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