

Information on data protection for clients and other data subjects¹

With the following information, we would like to give you an overview on the processing of your personal data by us and your rights under data protection law. Which data are processed in detail and the manner in which they are used is predominantly determined by the services requested or agreed. Therefore, not every element of this information may be applicable to you. Commerzbank Zrt. may, at any time, unilaterally amend this information on the data processing. The amendment shall not affect the processing of personal data started under the previous conditions. In accordance with the provisions of the EU General Data Protection Regulation personal data means any information relating to an identified or identifiable natural person.

Who is responsible for data processing and who can I contact?

Responsibility lies with

Commerzbank Zrt. (hereinafter: the **Bank**)

Phone: (+36-1) 374-8100
Fax: (+36-1) 269-4574
E-mail: adatvedelem@commerzbank.com
Seat: 1054 Budapest, Széchenyi rkp. 8
Homepage: www.commerzbank.hu

You can request information, and file request or a complaint concerning the processing of your personal data using the above contact information.

You can reach our internal **Data Protection Officer** under

Dr. Margit Berta

E-mail: adatvedelem@commerzbank.com
Address: 1054 Budapest, Széchenyi rkp. 8.

Which sources and which data do we use?

We process personal data which we receive from our clients and other concerned parties in connection with our business relationship. Moreover, we process personal data legitimately obtained from publicly accessible sources (such as debtors' lists, land registers, registers of commercial establishments and associations, press, Internet) or which have been legitimately transmitted to us from other companies of the Commerzbank Group or third parties (for example a credit bureau) to the extent necessary for rendering our services.

Relevant personal data are personal details (name, address and other contact data, date and place of birth

¹ e.g. authorised representatives, potential customers of products, non-customers such as providers of third-party collateral, partners

and nationality), legitimisation data (such as data from ID cards) and also authentication data (such as a specimen signature). In addition, these may also be contract data (such as a payment order), data resulting from the performance of our contractual obligations (such as turnover data in payment transactions), information about your financial status (such as data on credit standing, data on scoring or rating, origin of assets), data relevant for loans (such as revenues and expenditures), advertising and sales data (including advertising scores), documentation data (such as a protocol on consultations) and other data comparable with the above-mentioned categories.

What is the purpose of processing your data (purpose of personal data processing) and on which legal basis does this take place?

We process personal data in accordance with the provisions of the EU General Data Protection Regulation (GDPR, available free of charge on www.eur-lex.europa.eu) and the Act CXII of 2011 on Informational Self-determination and Freedom of Information (Information Act, available free of charge on www.net.jogtar.hu).

- a. in order to comply with contractual obligations (Art. 6 (1 b) GDPR)

Data are processed for the purpose of providing and arranging banking services and financial services in connection with the performance of our agreements with our clients or for performing pre-contractual measures as a result of queries. The purposes of data processing are primarily determined by the specific product (such as an account, a loan, securities, deposits) and may, among other things, include needs assessments, consultation, asset management and administration and the execution of transactions.

- b. within the scope of the balancing of interests (Art. 6 (1 f) GDPR)

To the extent necessary, we will process your data beyond the scope of the actual performance of the contract so as to protect justified interests of our own and of third parties. Examples:

- Consultation of and exchange of data with credit bureaus so as to determine credit standing or default risks in connection with loans and the requirements in connection with exemption from seizure or basic accounts,
- analysis and optimisation of processes for needs analysis for the purpose of the direct approach of clients,
- advertising or market and opinion research unless you have objected to the use of your data,
- lodging legal claims and defence in case of legal disputes,
- ensuring IT security and the IT operation of the Bank,
- prevention and investigation of criminal acts,

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- video surveillance to exercise domiciliary rights, to collect evidence in case of attacks or fraud or as proof of disposals and deposits,
- measures for securing buildings and systems (such as admission control),
- measures to protect our domiciliary right,
- measures for business management and advanced development of services and products,
- risk management within the Commerzbank Group.

c. as a result of your consent (Art. 6 (1 a) GDPR)

To the extent you have consented to the processing of personal data by us for certain purposes (such as passing on data within the Commerzbank Group, analysis of payment transaction data for marketing purposes, photographs taken in connection with events, mailing newsletters), such processing is legitimate on the basis of your consent. Consent once given may be revoked at any time. This also applies to the revocation of declarations of consent given to us before the effective date of the GDPR, i.e. before 25 May 2018. Revocation of consent has an effect only for the future and does not affect the legitimacy of the data processed until revocation.

d. on the basis of statutory regulations (Art. 6 (1 c) GDPR) or in the public interest (Art. 6 (1 e) GDPR)

Moreover, we, as a bank, are subject to various legal obligations, i.e. statutory requirements (such as the, Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises (in following: **CIA**), Act LIII of 2017 on the Prevention and Combating Money Laundering and Terrorist Financing (in following: **AML**), Act CL of 2017 on the Rules of Taxation) and regulations relating to the supervision of banking (e.g. of the European Central Bank, the European Banking Supervisory Agency, the Hungarian National Bank). The purposes of processing include, among others, the assessment of creditworthiness, checking identity and age, prevention of fraud and money laundering, compliance with obligations of control and reporting under tax law and the assessment and management of risks in the Bank and in the Commerzbank Group.

Who will receive my data?

Within the Bank, those units will be granted access to your data that need them in order to comply with our contractual and statutory obligations. Service providers and agents appointed by us may also receive the data for these purposes on the condition that they, specifically, observe banking secrecy. These are companies in the categories banking services, IT services, legal services, logistics, printing services, telecommunication, collection of receivables, consultation as well as sales and marketing.

As far as passing on data to recipients outside our Bank is concerned, it must first be kept in mind that we, as a bank, are obliged to keep all client-related facts and assessments we become aware of in strict confidence

(banking secrecy pursuant to no. 8 of our General Terms of Business as well as § 160 of CIA. As a matter of principle, we may pass on information about our clients only if this is required by law, the client has given his consent or we have been granted authority to provide a bank reference.

Under these circumstances, recipients of personal data may, for example, be:

- Public authorities and institutions (such as the European Central Bank, the European Banking Supervisory Agency, the Hungarian National Bank, the Federal Agency for the Supervision of Financial Services, tax authorities, land register authorities, authorities prosecuting criminal acts),
- other loan and financial services institutes or comparable institutes to whom we transmit your personal data for the purpose of performing transactions under our business relationship (depending on the agreement, for example, correspondent banks, depository banks, stock exchanges, information bureaux),
- other companies belonging to the Commerzbank Group for the purposes of risk management on the basis of statutory or official obligations,
- creditors or liquidators submitting queries in connection with a foreclosure,
- service providers in connection with credit or bank cards or businessmen submitting queries if payment by card is denied,
- third parties involved in loan granting processes (such as insurance companies, investment companies, funding establishments, trustees, service providers carrying out value assessments),
- partners in the debit card business,
- service providers whom we involve in connection with contract data processing relationships.

Other recipients of data may be those bodies for which you have given us your consent to data transfer or, respectively, for which you have granted an exemption from banking secrecy on the basis of an agreement or consent or to which we may transfer personal data on the basis of the balancing of interests.

Will the data be transferred to a third country or an international organisation?

Data transfer to bodies in states outside the European Union (so-called third countries) will take place to the extent

- this is required to carry out your orders (such as payment or securities orders),
- it is required by law (such as obligatory reporting under tax law) or
- you have given your consent.

Moreover, transfer to bodies in third countries is intended in the following cases:

- If necessary in individual cases, your personal data may be transmitted to an IT service provider in the United States or in another third country to ensure that the IT department of the Bank remains operative, observing the European data protection rules.
- With the consent of the data subject the personal data of parties interested in bank products can be processed in the course of a CRM system also in the United States.
- With the consent of the data subject or as a result of statutory provisions on controlling money laundering, the financing of terrorism and other criminal acts and within the scope of the balancing of interests, personal data (such as legitimisation data) will be transmitted, observing the data protection level of the European Union.

For how long will my data be stored?

We process and store your personal data as long as this is required to meet our contractual and statutory obligations. In this respect, please keep in mind that our business relationship is a continuing obligation designed to last for years.

If the data are no longer required for the performance of contractual or statutory obligations, these will be erased on a regular basis unless – temporary – further processing is necessary for the following purposes:

- Compliance with obligations of retention under commercial or tax law which, for example, may result from the Act C of 2000 on Accounting, , CIA, AML. As the principal rule, the time limits specified for retention or documentation in the said range between 5 to 10 years.
- Preservation of evidence under the statutory regulations regarding the statute of limitations. According to the Act V of 2013 on Civil Code the regular statute of limitation is 5 years in general.

What are my rights with regard to data protection?

Every data subject has the **right of access** pursuant to Article 15 GDPR, under which it may request information from the Bank, on the personal data concerning him or her that are being processed.

You may request the rectification of inaccurate, incomplete personal data concerning you (the **right to rectification** Article 16 GDPR).

You may request the controller to erase the personal data concerning you without delay, if the personal data are no longer needed for those purposes for which they were collected or otherwise processed, or if you have withdrawn your consent on which the processing is based and there is no other legal ground for the processing, or you have successfully objected to the processing and there are no overriding legitimate grounds for the processing, or the personal data have been un-

lawfully processed (the **right to erasure** Article 17 GDPR).

You may request the Bank the restriction of processing where one of the following applies: a) You contest the accuracy of the personal data, for a period enabling the Bank to verify the accuracy of the personal data; b) the processing is unlawful and You oppose the erasure of the personal data and request the restriction of their use instead; c) the Bank no longer needs the personal data for the purposes of the processing, but You require them for the establishment, exercise or defence of legal claims; or d) You have objected to processing, the restriction is pending, until the verification whether the legitimate grounds of the Bank override yours (the **right to restriction of processing** Article 18 GDPR).

You have the **right to object** pursuant to Article 21 GDPR (defined in details below).

You shall have the right to receive the personal data concerning you which you have provided to the Bank, in a structured, commonly used and machine-readable format, if the processing is based on your consent or on a contract concluded with you, and the processing is carried out by automated means (**the right to data portability** Article 20 GDPR). In addition, the pertinent provisions of Information Act are also applicable.

In addition to the above, you may **lodge a complaint** if you believe that the Bank has infringed its obligations concerning the processing. Should you not agree with the Bank's answer, or the Bank does not respond within 25 days, you **may file a petition** at the Court. You may choose to start proceedings at the competent court of your domicile or residence.

Furthermore, you may **lodge a complaint** (Article 77 GDPR) with the National Authority for Data Protection and Freedom of Information (in Hungarian: *Nemzeti Adatvédelmi és Információszabadság Hatóság*) (registered seat: 1125 Budapest, Szilágyi Erzsébet fasor 22/C; mail address: 1530 Budapest, Pf.: 5.; phone number: 06-1-391-1400; Fax: 06-1-391-1410; e-mail address: ugyfelszolgalat@naih.hu; website: www.naih.hu). Furthermore, in case your rights relating to personality are violated, you shall have the right to demand restitution (for any non-material damage suffered), and claim damages from the Bank for any damage arising out of the infringement of the regulations on data processing or security of personal data at court.

Am I obliged to provide data?

Within the scope of our business relationship, you are obliged to provide those personal data which are required for commencing, executing and terminating a business relationship and for compliance with the associated contractual obligations or the collection of which is imposed upon us by law. Without these data, we will generally not be able to enter into agreements with you, to perform under such an agreement or to terminate it.

Under the statutory regulations in connection with AML, we are especially obliged to identify you by an ID document and by copy an ID document before entering into business relations with you and, especially, to ask for and record your name, place of birth, date of birth, nationality, address and identity card details. So as to enable us to comply with these statutory obligations, you are obliged to provide the necessary information and documents in connection with the anti-money laundering law and to report any changes that may occur in the course of our business relationship. If you should fail to provide the necessary information and documents, we are not permitted to enter into the desired business relationship or to continue with such a relationship.

To what extent will decision-making be automated?

As a matter of principle, we do not use fully automated decision-making processes pursuant to Article 22 GDPR for establishing and performing a business relationship. In the event that we should use such processes in individual cases (for example scoring) we will inform you of this and of your rights in this respect separately if prescribed by law.

Will profiling take place?

Your data will be processed automatically in part with the objective of evaluating certain personal aspects (profiling). For example, we will use profiling of the following cases:

- As a result of statutory and regulatory regulations, we are obliged to fight money laundering, the financing of terrorism and criminal acts jeopardising property. In that respect, data (among others, data in payment transactions) will be analysed. These measures also serve to protect you.
- In connection with the assessment of your creditworthiness we use scoring. By scoring the probability of a client meeting his/her contractual payment obligations is calculated. This calculation, for example, may take into account a client's income and expenditures, existing financial obligations, the profession, employer, time of employment, previous experience from the business relationship, due redemption of earlier loans as well as information from credit bureaus. Scoring is based on a proven and recognised mathematical-statistical method.

The resulting score values assist us in decision-making in connection with product transactions and will become part of the ongoing risk management.

Security of personal data

The Bank implements appropriate technical and organisational measures to ensure the level of security appropriate to the risk. In addition to the technical and organisational measures the Bank shall train the persons conducting the processing, and give them appropriate guidance. The Bank shall ensure that the data processed,

are accessible to the authorised persons, but shall remain inaccessible to unauthorised persons. Furthermore, the Bank shall ensure the integrity of data and the resilience of the processing system. For this purpose, the Bank shall conduct continuous testing and assessing.

Information about your right to object pursuant to Article 21 GDPR

Right to object based on individual cases

You have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you which is based on point (e) of Article 6 (1) (data-processing in the public interest) and point (f) of Article 6 GDPR (data-processing on the basis of the balancing of interests); this also applies for profiling as defined in Article 4 point 4 GDPR.

If you do object, we will no longer process your personal data unless we have compelling justified reasons for such processing which take precedence over your interests, rights and freedom or, alternatively, such processing serves to assert, exercise or defend legal claims.

Recipient of an objection

Such objection may be submitted informally under the heading "objection" indicating your name, your address and should be addressed to:

Commerzbank Zrt.

Phone: (+36-1) 374-8100

Fax: (+36-1) 269-4574

E-mail: adatvedelem@commerzbank.com

Address: 1054 Budapest, Széchenyi rkp. 8.

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