

## **NATIXIS Pfandbriefbank AG**

### **Data protection declaration for customers and other relevant parties<sup>1</sup> - valid as of 01.09.2021**

We hereby inform you about how we process your personal data as well as your rights and entitlements under data protection regulations.

The specific data processed, and the manner in which it is used, is dependent primarily on the services requested or agreed upon. It is therefore possible that not all of the following information applies to you.

#### **Who is responsible for the data processing and whom can I contact?**

The responsible contact point is:  
NATIXIS Pfandbriefbank AG  
Senckenberganlage 21  
60325 Frankfurt am Main

You can contact our own Data Protection Officer under

NATIXIS Pfandbriefbank AG  
Datenschutzbeauftragter  
Senckenberganlage 21  
60325 Frankfurt am Main

#### **What sources and data do we use?**

We process personal data which we obtain from our customers and other relevant parties in the context of our business relationships (e.g. by means of questionnaires or orally/personally). In addition - where necessary for the provision of our service – we process personal data which we obtain permissibly from publicly-accessible sources (e.g. land charge registers, registration data, press, internet) or which is legitimately provided to us by other companies of the BPCE Group or other third parties (e.g. information service providers in the context of the prevention of money laundering, the financing of terrorism and other crimes which endanger assets).

Relevant personal data are identification data (e.g. personal details such as name, date and place of birth, marital status, gender, nationality, address and other contact data such as telephone number, e-mail address), authorisation data (e.g. ID data) and authentication data (e.g. specimen signature). In addition this could be customer order data (e.g. from payment orders), data from the performance of contractual obligations (e.g. data from the handling of financing), information on financial standings (e.g. solvency data, rating data, origin of assets), information on ownership and control structure including economically legitimate, credit-relevant data (e.g. income and expenditure), advertising and sales data, documentation data (e.g. minutes of meetings), connection data (e.g. data on the use of our website such as IP address, time of access, pages clicked on) as well as any other data comparable to the categories named.

## **To what purpose do we process your data (purpose of the processing) and on what legal basis?**

We process personal data in compliance with the terms of the EU General Data Protection Regulation (GDPR) and the German Data Protection Act.

### **a) Performance of a contract (Art. 6, Section 1 b GDPR)**

The processing of personal data (Art. 4 No. 2 GDPR) ensues for the provision and brokering of real estate transactions and financial services, in particular for the execution of our contracts measures, or measures precedent to the contract, and the execution of orders, as well as all activities necessary for the operation and administration of a credit and financial services institute.

The purpose of data processing depends primarily on the specific product (e.g. credit/real estate financing, emission of covered bonds, related hedging) and can comprise, among other things, financial consultation and the execution/handling of transactions/financing. Further details regarding the purpose of the data processing can be found in the terms and conditions of the relevant contract documents.

### **b) Pursuant to statutory stipulations (Art. 6, Section 1 c GDPR) or in the public interest (Art. 6, Section 1 e GDPR)**

Furthermore, as a bank, we are subject to various legal obligations, i.e. statutory requirements (e.g. German Banking Act (Kreditwesengesetz), Prevention of Money Laundering Act (Geldwäschegesetz), Securities Trading Act (Wertpapierhandelsgesetz), fiscal law and banking supervisory stipulations (e.g. the European Central Bank, the European Financial Supervisory Authority, the German Bundesbank and the Federal Financial Supervisory Authority). The purposes of processing include, among other things, credit checks, identity and age checks, compliance with the supervisory organisational, control, information and registration obligations (e.g. in the context of the prevention of money laundering, the financing of terrorism and crimes endangering assets, prevention of market abuse (market manipulation, insider trading), compliance with taxation control and notification obligations and the assessment and management of risks within the bank and the BPCE Group.

### **c) Balancing of interests (Art. 6, Abs. 1 f GDPR)**

Where necessary in order to safeguard our legitimate interests or those of third parties, we process data extending beyond the actual performance of the contract.

For example:

- Consultation and data exchange with information service providers to determine credit risks or default risks
- Assertion of legal claims and defence in legal disputes,
- Safeguarding the Bank's IT security and the IT operations,
- Prevention and investigation of crimes,
- Video monitoring of the entrance area to safeguard the householder's rights and for the collection of evidence in the case of robberies and fraud (see also Article 4 GDPR),
- Measures to secure the building and the grounds (e.g. admission control checks),

- Measures to safeguard the householder's rights,
- Measures relating to business management and the further development of services and products,
- Risk management within the BPCE Group
- Audits and review procedures

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

Where you have given your consent to the processing of your personal data for specific purposes (e.g. transfer of data within the BPCE Group, photos in the context of events, distribution of newsletters), the processing of such data is lawful on the basis of your consent. Consent can be withdrawn at any time. This shall also apply for the withdrawal of declarations of consent issued to us prior to the coming into effect of the GDPR, i.e. prior to May 25, 2018. The withdrawal of consent applies only for the future and does not affect the lawfulness of the data processed up to the time of withdrawal.

#### **Who receives my data?**

The Bank takes all the steps necessary to ensure the security and confidentiality of personal data, i.e. to ensure that only authorised persons have access to this data. Within the Bank, only such parties shall have access to your data as require it for the performance of our contractual and statutory obligations. Service providers and agents deployed by us may also receive data for this purpose provided they adhere, in particular, to banking confidentiality. These are companies in the categories credit services, IT services, logistics, printing services, telecommunication and consultation, as well as sales and marketing.

With regard to data transfer to recipients outside of our Bank, it should be noted, that we, as a bank, are bound to confidentiality regarding all customer-related facts and ratings of which we become aware (banking secrecy). As a matter of principle, we may pass on information on our clients, or otherwise make it accessible, only when statutory stipulations so demand, when the client has given his consent, or when we are authorised to issue a bank reference. Under these circumstances, recipients of personal data may be, for example:

- Public bodies and institutions (e.g. European Central Bank, European Financial Supervisory Authority, German Bundesbank, Federal Financial Supervisory Authority, tax authorities, law enforcement agencies, land registers, FIU) where a statutory or official obligation applies,
- Other credit and financial services institutes or comparable parties to whom we transfer personal data for the execution of the business relationship with you (depending on the contract, e.g. correspondent banks, stock exchanges, credit agencies),
- Other companies within the BPCE Group (subsidiaries and branches) for the purpose of risk management (e.g. with regard to money laundering risks and operational risks) or other obligations (e.g. management of conflicts of interest, auditing activities) arising from statutory or official obligations,
- Creditors or insolvency administrators who make inquiries in the context of debt enforcement,

- Third parties who are involved in business processes (e.g. credit provision, emission of financial instruments) (e.g. insurance companies, investment trusts, development institutions, trustees, valuation service providers),
- Service providers that we involve in the context of data processing arrangements (e.g. IT service providers, financial service providers) in Germany and abroad
- Auditing companies in Germany and abroad (e.g. auditor of annual accounts, appointed auditing companies)

Further data recipients can be those parties for which you have issued us with consent for data transfer or for which you have exempted us from the banking secrecy pursuant to the agreement or consent, or to which we are authorised to transfer data on the basis of a balancing of interests.

### **Are data transferred to a third country or an international organisation?**

Data transfer to parties in countries outside of the European Union (so-called non-member states) takes place, when

- it is necessary for the execution of your orders (e.g. payment orders),
- it is stipulated by law (e.g. tax reporting obligations) or
- you have given us your consent.

Furthermore, a transfer to parties in non-member countries is foreseen in the following cases:

- When it is necessary in individual cases, your personal data may possibly be transferred to an IT service provider in the US or in another Non-Member State for the purpose of safeguarding the Bank's IT operations, in compliance with the European data protection level.
- With the consent of the party concerned, or on the basis of statutory regulations to combat money laundering, the financing of terrorism and asset-endangering crimes, as well as in the context of a balancing of interests, personal data (e.g. authorisation data) will be transferred in compliance with the data protection level of the EU.

### **How long is my data stored?**

We process and store your personal data for as long as it is required for the performance of our contractual and statutory obligations. It should be noted that our business relationships are contracts for the performance of a continuing obligation over a long period of time.

Where the data are no longer required for the performance of contractual or statutory obligations, these are regularly deleted unless they are required to be further processed for the following purposes:

- Compliance with commercial and tax obligations to preserve records which may apply in relation to: German Commercial Code (Handelsgesetzbuch) (HGB), German Fiscal Code (Abgabenordnung) (AO), German Banking Act (Kreditwesengesetz) (KWG), Prevention of Money Laundering Act

(Geldwäschegesetz) (GwG) and Securities Trading Act (Wertpapierhandelsgesetz) (WpHG). The compulsory period for the retention of documents in this regard is generally two to ten years.

- Preservation of evidence in the context of the statutory statute of limitations. Pursuant to Sections 195 et seqq of the German Civil Code (Bürgerliches Gesetzbuch) (BGB), these time limits can be up to 30 years, although the regular time limit is three years.

## **What data protection rights do I have?**

Every data subject has the right to access information pursuant to Article 15 GDPR, the right to 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 arising from Article 21 GDPR and the right to data portability arising from Article 20 GDPR. In the case of the right to access information and the right to erasure, the restrictions pursuant to Sections 34 and 35 BDSG apply. Furthermore, a right to lodge a complaint with a supervisory authority (Article 77 GDPR in conjunction with Section 19 BDSG) applies. The responsible body is:

Der Hessische Datenschutzbeauftragte

Postfach 3163  
65021 Wiesbaden

You can submit a withdrawal of consent to the processing of personal data to us at any time. This shall also apply for the withdrawal of declarations of consent issued to us prior to the coming into effect of the GDPR, i.e. prior to 25 May, 2018. Please note that the withdrawal only applies for the future. Processing which ensued prior to the withdrawal is not affected.

## **Am I obliged to provide data?**

In the context of our business relationship, you must provide such personal data as is required for the commencement, execution and termination of a business relationship and for the performance of the associated contractual obligations, or data which we are obliged to collect. Without this data we will generally have to decline the conclusion of a contract or the execution of an order or be either unable to continue with the execution of an existing contract or to terminate it.

In particular, prior to the establishment of a business relationship, we are bound by money laundering regulations to identify you by your ID document and to collect and store your name, place of birth, date of birth, nationality, address and ID data. In order to permit us to comply with these statutory obligations, you must furnish us with the information and documentation necessary pursuant to the Money Laundering Act and notify us immediately of any changes arising in the course of the business relationship. Should you fail to provide us with the necessary information and documentation, we may not enter into or continue with the business relationship you have requested.

## **To what extent does automated decision-making exist?**

As a matter of principle, we do not avail of the automated decision-making option pursuant to Article 22 GDPR for the establishment and execution of the business relationship. Should we apply this process, you will be informed separately of this fact and of your relevant rights, where this is stipulated by law.

## **Is profiling carried out?**

We use profiling in the following case:

On the basis of statutory and regulatory stipulations, we are obliged to combat money laundering, the financing of terrorism and asset-endangering crimes. In this context, automated data evaluation (related to, among other things, payment transactions) takes place. At the same time, these measures serve to protect you.

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## **Information on your right to object pursuant to Article 21 GDPR**

### **Right to object on the grounds of a specific situation**

You have the right, on the grounds of your specific situation, to object at any time to the processing of your personal data pursuant to Article 6, Section 1, letter e GDPR (Data processing in the public interest) and Article 6, Section 1, letter f GDPR (Data processing on the basis of the balancing of interests); this also applies for profiling within the meaning of Article 4, Nr. 4 GDPR based on this provision.

If you lodge an objection, we will no longer process your data unless we can prove compelling legitimate grounds for the processing which outweigh your interests, rights and freedom, or unless the processing serves the assertion, exercising or defence of legal claims.

### **Right to object to the processing of data for the purpose of direct advertising**

In individual cases, we process your personal data in order to carry out direct advertising. You have the right to object at any time to the processing of your personal data for purposes of this kind; this also applies to profiling, provided it is related to direct advertising of this kind. If you object to the processing of your data for the purpose of direct advertising, we will no longer process your personal data for these purposes.

## Recipient of an objection

Your objection can be submitted, without a specific form being required, bearing the reference "Objection" and stating your name, address and date of birth, and should be sent to:

NATIXIS Pfandbriefbank AG  
Datenschutzbeauftragter (Data Protection Officer)  
Senckenberganlage 21  
60325 Frankfurt am Main

<sup>1</sup> e.g. Authorised agent, prospective clients, third-party guarantors