

Data Protection Policy

How we treat your data and your rights

Information under Articles 13, 14 and 21 General Data Protection Regulation (GDPR)

With this Data Protection Policy, we wish to inform you of how your personal data is processed by us and of your rights under data protection law.

Which data is specifically processed and how it is used is determined mainly by the services you have requested or agreed to.

1 Who is responsible for data processing and who can I contact in this regard?

Responsibility lies with:

Berlin Hyp AG
Corneliusstraße 7
10787 Berlin
Telephone: +49(0)30 2599 90

Contact details of our **Data Protection Officer**:

Berlin Hyp AG
Data Protection Officer
Corneliusstraße 7
10787 Berlin
Telephone: +49(0)30 2599 9381
Email address: datenschutz@berlinhyp.de

2 What sources and data do we use?

We process personal data which we have received from you as part of our business relationship. In addition, we process - to the extent required for the provision of our services - personal data which we have legitimately (e.g. to carry out requests, to fulfil contractual agreements or on the basis of a consent granted by you) received from other companies of the *Savings Banks Finance Group (Sparkasse-Finanzgruppe, SFG¹)* or from other third parties (e.g. from Creditreform or SCHUFA). Furthermore, we process personal data which we have legitimately obtained from publicly available sources (e.g. debtor lists, land registers, commercial and association registers, press, media) and which we are permitted to use.

Relevant personal data is personal details (name, address and other contact details, date and place of birth and nationality), identification data (such as data from ID cards) and authentication data (e.g. specimen signature). Such data can also include order data (e.g. payment order, securities order), data from the performance of our contractual obligations (e.g. sales data in payment transactions, credit limit, product data (e.g. deposits, credit and portfolio management business)), information about your financial situation (e.g. credit standing, scoring/rating data, origin of assets), advertising and sales data, documentation data (e.g. consultation notes), register data, data on your use of our telemedia services (e.g. time of accessing our website, apps or newsletter, our pages or posts clicked on) and other similar data.

To a limited extent, we also process audio recordings of telephone conversations, e.g. in relation with the provisions of investment services. This is usually done on a legal or contractual basis and if you have given us your prior consent. When recording, in addition to the actual content of the call, technical information from the telephone system is also processed, which was either generated there or provided by transmission from the telephone company (e.g. call numbers, start of the call and the duration of the call).

3 Why do we process your data (purpose of processing) and on which legal basis?

We process personal data in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Law (Bundesdatenschutzgesetz, BDSG):

3.1 To perform contractual obligations (Art. 6 (1) (b) GDPR)

The purpose of processing personal data (Art. 4 No. 2 GDPR) is to provide real estate financing business, financial services as well as banking and savings business, in particular to perform our contracts or pre-contractual measures with you and carry out your requests as well as all activities necessary for the operation of and administration of a credit and financial services institute.

The purposes of data processing are determined primarily by the specific product (e.g. real estate financing, syndicated financing, derivatives, account, deposits, securities, payment transactions) and may include, inter alia, needs assessments, consultation, portfolio and asset management.

For further details of the purposes of data processing, please refer to the respective contractual documents and our General Terms of Business.

3.2 For the purpose of balancing interests (Art. 6 (1) (f) GDPR)

To the extent necessary, we may process your data beyond the scope of the actual performance of the contract itself, to protect our legitimate interests or those of third parties. Examples:

- Consultation of and data exchange with credit agencies (e.g. Creditreform or SCHUFA) to ascertain credit standing or default risks;
- Reviewing and optimizing procedures for needs assessment and direct customer approach;
- Advertising or market and opinion research, unless you have objected to the use of your data;
- Assertion of legal claims and defense in case of legal disputes;
- Safeguarding the IT security and IT operations of Berlin Hyp AG;
- Prevention and investigation of criminal acts;
- Video surveillance serves as evidence in the event of criminal attacks or as proof of withdrawals and deposits, e.g. at ATMs. This serves to protect customers and employees and to exercise our domiciliary rights;
- Measures for building and equipment security (e.g. access control);
- Measures to protect our domiciliary rights;
- Business management measures as well as measures to further develop services and products.

3.3 On the basis of your consent (Art. 6 (1) (a) GDPR)

To the extent you have consented to the processing of personal data for specific purposes (e.g. transfer of data to syndicate partners or within the group/corporation¹), this processing is legitimate on the basis of your consent. A granted consent can be revoked at any time. This also applies to the revocation of declarations of consent which have been provided to us prior to the GDPR becoming applicable, i.e. prior to 25 May 2018.

Please note that the revocation only has an effect with respect to the future. Any processing prior to the revocation will not be affected.

3.4 Due to statutory requirements (Art. 6 (1) (c) GDPR)

In addition, we are subject to various legal obligations, meaning statutory requirements (e.g. German Banking Act (Kreditwesengesetz, KWG), German Anti-Money Laundering Act (Geldwäschegesetz, GwG), tax laws) as well as regulatory rules (including from the European Central Bank, European banking regulator, German Central Bank (Bundesbank) and the German Federal Financial Supervisory Authority (Bundesanstalt für Finanzdienstleistungsaufsicht)). The purposes of data processing include creditworthiness assessment, identity and age verification, fraud and money laundering prevention, compliance with monitoring and reporting obligations under tax laws as well as risk assessment and risk management.

4 Who receives my data?

Within Berlin Hyp AG, your data will be provided to every member of staff who needs them to comply with our contractual and statutory obligations. Third party service providers appointed by us (Art. 28 GDPR) may also receive data for the aforementioned purposes. These service providers are companies in the categories of credit services, IT services, logistics, printing services, telecommunications, debt collection, advice and consulting as well as sales and marketing.

As far as the sharing of data with recipients outside of Berlin Hyp AG is concerned, it should first be noted that we are obliged under the General Terms of Business agreed between you and us to maintain confidentiality regarding all customer related facts and assessments which we obtain knowledge of (banking secrecy). We may only disclose information about you where statutory provisions require us to do so, where you have granted consent or where we are authorized to provide a bank reference.

¹A total of around 600 companies work closely together in the *Savings Banks Finance Group (Sparkassen-Finanzgruppe)*. In addition to the Savings Banks (Sparkassen), there are numerous special financing entities such as the *Regional Home Savings and Loan Banks (Landesbausparkassen)*, *Deutsche Leasing*, *DekaBank* or the *Regional Banking Groups (Landesbankkonzerne)*. This decentralised group is the German one-stop financial services provider.

Under these conditions, recipients of personal data may include:

- Public authorities and institutions (e.g. Deutsche Bundesbank (German Central Bank), BaFin (German Federal Financial Supervisory Authority), European banking regulators, European Central Bank, financial authorities) where an obligation exists under the law or imposed by a public authority.
- Other credit and financial services institutes or comparable organizations to which we transmit personal data in order to carry out our business relationship with you (depending on the contractual arrangement: e.g. correspondence institute, custodian banks, stock exchanges, information agencies).
- Other companies in the Landesbank Baden-Württemberg Group for risk management due to legal or regulatory obligations

Other recipients of data may be those entities for which you have granted us consent to share data, i.e. for which you have released us from the banking secrecy obligation by way of contractual agreement or consent.

5 How long will my data be retained?

Where necessary, we process and store your personal data as long as this is required for our business relationship, which also covers the initiation and conclusion of contracts.

In addition, we are subject to various data retention and documentation obligations which follow from statutory regulations, such as the German Commercial Code (Handelsgesetzbuch, HGB), the German Fiscal Code (Abgabenordnung, AO), the German Banking Act (Kreditwesengesetz, KWG), German Money Laundering Act (Geldwäschegesetz, GwG) and the German Securities Trading Act (Wertpapierhandelsgesetz, WpHG). The time limits stipulated in those Acts regarding data retention and documentation range generally from two to ten years.

The length of the data retention period is also determined by the statutes of limitation under other statutory regulations which can be up to 30 years, as for example under Sec. 195 et seqq. German Civil Code (Bürgerliches Gesetzbuch, BGB); whilst the usual statute of limitation is three years.

Telephone recordings made in connection with investment services are subject to storage requirements of 5 to 7 years.

6 Will data be transmitted to a third country or an international organization?

A transmission of data to third countries (countries outside the European Economic Area - EEA) only takes place to the extent that this is: (i) necessary to perform your requests (e.g. payment and securities transactions); (ii) required by law; (iii) covered by your consent; or (iv) in context of commissioned data processing. If service providers in a third country are used, they are obliged to comply with the data protection level by the agreement of EU standard contractual clauses, in addition to written instructions, or this is a safe third country recognized by the EU. In these cases, we will provide you with detailed information separately, where the applicable laws require us to do so.

7 What data protection rights do I have?

Every data subject has the right of **access to data** pursuant to Art. 15 GDPR, the right to **rectification** pursuant to Art. 16 GDPR, the right to **erasure** pursuant to Art. 17 GDPR, the right to **restriction of processing** pursuant to Art. 18 GDPR as well as the right to **data portability** pursuant to Art. 20 GDPR. Moreover, there is a right to file a complaint with a supervisory authority (Art. 77 GDPR in conjunction with Sec. 19 BDSG).

8 Is there an obligation for me to provide my data?

For the purposes of our business relationship, you are only required to provide those personal data which is necessary for setting up, carrying out and terminating a business relationship or which we are legally obliged to collect. Without this data, we will generally not be able to enter into a contract or fulfil a request and/or no longer be able to fulfil an existing contract and might have to terminate it.

In particular, we are obliged under money laundering law to verify your identity (e.g. by means of your personal identification card/passport) and to record your name, date and place of birth, nationality and home address prior to entering into a business relationship with you. In order for us to be able to comply with these legal obligations, you are obliged, under Sec. 4 (6) German Money Laundering Act (GwG) to provide us with information and documents and to inform us without delay of any changes which occur in the course of our business relationship. If you do not provide us with the necessary information and documents, we are not permitted to enter the business relationship desired.

9 To what extent is automated decision-making used in individual cases?

In order to enter into and carry out the business relationship, we generally do not use any automated decision-making processes as per Art. 22 GDPR. Where we do employ such processes in individual cases, we will inform you separately, as required by law.

10 To what extent is my data used for profiling (scoring) purposes?

We process your data in part automatically with the objective of evaluating certain personal aspects (profiling). For example, we may use profiling in the following cases:

- We are obliged, due to statutory and regulatory requirements, to fight money laundering, the financing of terrorism and criminal acts which constitute a threat to assets. To this end, data assessments (including of payment transactions) are carried out. These measures also serve your protection.
- In order to inform and advise you about products on a selective basis, we use analysis tools. These enable tailored communication and advertising including market and opinion research.
- For the assessment of your creditworthiness, we use scoring for retail clients and rating for professional clients. This involves calculating the probability that a customer will comply with their contractual payment obligations. The calculation draws on various information, such as the customer's income situation, expenditure, existing debts, occupation, employer, duration of employment, payment behavior (e.g. account transactions, balances), experience obtained from past business relationships, contractual repayment of past loans and information from credit reference agencies. Additional data is included in the case of professional clients, such as line of business, annual results and financial circumstances. Scoring and rating are both based on a mathematically and statistically recognized and proven process. The calculated scoring values and creditworthiness ratings assist us to make decisions in connection with product transactions and are part of the ongoing risk management.

Information regarding your right to object according to Art. 21 GDPR

1 Right to object based on individual cases

You have the right to object, on grounds relating to your particular situation, at any time to any processing of your personal data which is based on Article 6 (1) (f) GDPR (data processing on the basis of a balancing of interests), this also applies in respect of any profiling, as defined in Art. 4 No. 4 GDPR, which we use for assessing creditworthiness or for advertising.

If you do object, we will no longer process the personal data, unless we can prove compelling legitimate grounds for the processing, which override your interests, rights and freedom, or the processing serves the purpose of enforcing, exercising or defending legal claims.

2 Right to object against the processing of data for purposes of direct marketing

In individual cases, we process your data in order to perform direct marketing. You have the right to object at any time against the processing of your personal data for such marketing purposes; this also applies to profiling, to the extent it is related to such direct marketing.

If you object to the processing of data for the purposes of direct marketing, we will no longer use your personal data for these purposes.

The objection may be submitted informally and should, where possible, be directed to:

Berlin Hyp AG
Corneliusstraße 7
10787 Berlin
Email-address: datenschutz@berlinhyp.de