



Data protection information under the EU General Data Protection Regulation and the Austrian Data Protection Act for authorised representatives / agents of “legal entities”

April, 2018

The following information provides an overview of how we process your personal data and your rights under data protection law. Which specific data are processed and how they are used is explained below.

Please also forward this information to the current and future authorised representatives and beneficial owners as well as any co-obligors under a loan. These include, e.g., beneficiaries in the event of death, commercial attorneys-in-fact (*Prokuristen*) or guarantors.

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

Controller:

Deutsche Bank AG, Filiale Wien (Vienna Branch)
Fleischmarkt 1
1010 Vienna
Tel: +43 (1) 53 181-0
E-mail: wm.austria@db.com

Our internal data protection officer may be contacted at

Deutsche Bank AG, Filiale Wien (Vienna Branch)
Data protection officer
Tel: +43 (1) 53 181-0
E-mail: datenschutz.austria@db.com

2. What sources and data do we use

We process personal data which we receive from you in your capacity as the authorised representative/agent of the legal entity (prospective and/or existing client). To the extent necessary in order to provide our services, we also process personal data which we lawfully (e.g., for executing orders, performing contracts or on the basis of your consent and the (Limited) Power of Attorney in our favour) receive from other entities within the Deutsche Bank Group (e.g., Deutsche Bank Luxembourg S.A.) or other third parties (e.g., processors). We also process personal data from publicly available sources (e.g., debtor directories, land registers, commercial registers and registers of associations, press, media, Internet) which we lawfully obtain and are permitted to process.

Relevant personal data of the authorised representative/agent may be:

Name, address/other contact information (telephone, e-mail address), date/place of birth, gender, nationality, marital status, legal capacity, employed/self-employed, identification data (e.g., identification document data), authentication data (e.g., specimen signature), information in accordance with the KYC principle resulting from the legal obligations in the Financial Markets Anti-Money Laundering Act (e.g., customer profile, documentation on the purpose and nature of the business relationship, source of funds, PEP-check), tax-ID, FATCA status, CRS status.

When products/services are purchased and used, additional personal data may be collected, processed and stored in addition to the aforementioned data. These primarily include:

Information on knowledge of and/or experience with securities/interest rate/currency products/financial investment (MiFID status: suitability/appropriateness test).

Data related to the relationship with Deutsche Bank Luxembourg S.A. (booking center)

Due to the (Limited) Power of Attorney in our favour and the underlying contractual relationship with Deutsche Bank Luxembourg S.A. as the booking center, we process personal data on an occasion-related basis, required to carry out our service and for executing placed orders. Thus, we may process more personal data than concerning the products and services (e.g., personal data related to products arising from your contractual relationship with Deutsche Bank Luxembourg S.A.).

3. Why do we process your data (purpose of the processing) and on what legal basis

We process the aforementioned personal data in compliance with the provisions of the EU General Data Protection Regulation (GDPR) and the Austrian Federal Data Protection Act (*Datenschutzgesetz – DSG*):

a. for compliance with a legal obligation or in the public interest

As a bank, we are subject to various legal obligations, i.e., statutory requirements (e.g., the Austrian Banking Act, Stock Exchange Act, Financial Markets Anti-Money Laundering Act, Securities Supervision Act, Payment Services Act, tax laws) as well as banking supervisory requirements (e.g., the European Central Bank, the European Banking Supervisory Authority, the Oesterreichische Nationalbank and the Financial Market Authority). Other purposes of processing include credit checks, identity and age verification, anti-fraud and anti-money laundering measures.

b. for the 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 to take steps prior to entering into a contract. For further details on the purpose of the data processing, please refer to your booking center (Deutsche Bank Luxembourg S.A.) Data protection information and the contractual documentation and terms and conditions.

c. on the basis of your consent

Insofar as you have granted us consent to the processing of personal data for specific purposes (e.g., transfer of data within the association/Group), the lawfulness of such processing is based on your consent. Any consent granted may be revoked at any time. This also applies to the revocation of declarations of consent that are granted to us prior to the entry into force of the EU General Data Protection Regulation and the Austrian Data Protection Act, i.e., prior to 25 May 2018. Please be advised that the revocation shall only have effect for the future. Any processing that was carried out prior to the revocation shall not be affected thereby.

d. for the purposes of safeguarding legitimate interests

Where necessary, we process your data above and beyond the actual performance of our contractual obligations in order to safeguard the legitimate interests pursued by us or by a third party. Examples:

- Asserting legal claims and mounting a defence in the event of litigation
- Ensuring the bank's IT security and IT operations
- Preventing crimes
- Video surveillance to safeguard against trespassers, to gather evidence in the event of robbery or fraud
- Measures for building and systems security (e.g., admittance control)
- Measures to ensure against trespassing

4. Who receives my data

Within the bank, those offices are given access to your data which require them in order to perform our contractual and statutory obligations. Service providers and vicarious agents employed by us may also receive data for these purposes if they observe banking secrecy and our written instructions under data protection law. With regard to the transfer of data to recipients outside the bank, it must first of all be noted that as a bank we are under a duty to maintain secrecy about any customer-related facts and evaluations (applies equally to authorised representatives/agents) of which we may have knowledge (banking secrecy according to article 38 of the Austrian Banking Act). We may only disclose information about you if we are legally required to do so, if you have given your consent, if we are authorised to provide bank information and/or if processors commissioned by us guarantee compliance with banking secrecy and the provisions of the GDPR/DSG.



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5. Is data transferred to a third country or to an international organisation

Data will only be transferred to bodies in countries outside the EU or the EEA (so-called third countries) if this is required for the execution of your client's orders (e. g., payment and securities orders), prescribed by law (e. g., reporting obligations under tax law), if you have given us your consent or in the context of commissioned data processing. If service providers in a third country are used, they are obligated to comply with the data protection level in Europe in addition to written instructions by agreement of the EU standard contractual clauses.

6. How long will my data be stored

We process and store your personal data as long as you are authorised to represent the respective legal entity in dealings with us.

If the data are no longer required for the performance of our contractual and statutory obligations, they are regularly deleted, unless their further processing – for a limited time – is necessary for the following purposes:

- Compliance with records retention periods under commercial and tax law, such as the Austrian Commercial Code, the Austrian Federal Tax Code, the Bilanzbuchhaltungsgesetz, the Austrian Banking Act, the Payment Services Act, the Financial Markets Anti-Money Laundering Act and the Securities Supervision Act. The records retention periods prescribed therein range from five to ten years.
- Preservation of evidence within the scope of statutes of limitations. Under articles 1478 et seqq. of the Austrian General Civil Code (*Allgemeines Bürgerliches Gesetzbuch – ABGB*), these limitation periods may be up to 30 years, whereby the regular limitation period is three years.

7. What data protection rights do I have

Every data subject has a right of **access**, a right to **rectification**, a right to **erasure**, a right to **restriction of processing**, a right to **object** and a right to **data portability**. The right of access and right to erasure are subject to the restrictions under article 4 par. 2 DSGVO. Data subjects also have a right to lodge a complaint with a supervisory authority.

You may revoke your consent to the processing of personal data at any time. This also applies to the revocation of declarations of consent that are granted prior to the entry into force of the EU General Data Protection Regulation and the Austrian Data Protection Act, i.e., prior to 25 May 2018. Please be advised that the revocation will only take effect in the future. Any processing that was carried out prior to the revocation shall not be affected thereby.

8. Am I under any obligation to provide data

Within the scope of our business relationship with the legal entity you represent in dealings with us, you must provide personal data which is necessary for accepting and executing any representative authority/authorisation and the performance of the associated contractual obligations or which we are legally obligated to collect. As a rule, we would not be able to accept you as the authorised representative/agent without these data or we would have to revoke any existing representative authority/authorisation.

In particular, provisions of money laundering law require that we verify your identity before establishing the authority/authorisation, for example, by means of your identity card and that we record your name, place of birth, date of birth, nationality and your residential address. In order for us to be able to comply with this statutory obligation, you must provide us with the necessary information and documents in accordance with the Financial Markets Anti-Money Laundering Act and notify us without undue delay of any changes that may arise during the course of the business relationship. If you do not provide us with the necessary information and documents, we will not be allowed to institute or continue the representative authority/authorisation requested by the respective legal entity.

9. Scope of this notice

The content and terms of this data protection information may be revised from time to time and are subject to any particular contractual terms you have entered into with us. We refer to our website for the up-to-date version of the data protection information. This data protection information is not applicable to any internet websites controlled by third parties not affiliated with the Deutsche Bank Group that this website may link to. You should therefore review the data protection information or privacy statements on any such third party websites in order to understand their privacy practices. We assume no liability for the contents of such third party websites.

Information on your right to object

1. Ad hoc right to object

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on public interest and for the purposes of safeguarding legitimate interests; this includes any profiling based on GDPR provisions.

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 establishment, exercise or defence of legal claims.

There are no formal requirements for lodging an objection; where possible it should be made by E-mail to: datenschutz.austria@db.com.