



# Data protection information under the EU General Data Protection Regulation 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 authorized 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 or guarantors.

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

Controller:

Deutsche Bank Luxembourg S.A.  
2 Boulevard Konrad Adenauer, 1115 Luxembourg  
Tel.: (+352) 4 21 221  
Fax: (+352) 4 21 224 49  
E-Mail: WMLux@db.com

Our internal data protection officer may be contacted at

Deutsche Bank Luxembourg S.A.  
Data Protection Officer  
2 Boulevard Konrad Adenauer, 1115 Luxembourg  
Tel.: (+352) 4 21 221  
E-Mail: GDPR.lu@db.com

## 2. What sources and data do we use

We process personal data that we receive from you in your capacity as the authorized representative / agent of the legal entity (prospective and / or existing client). We also process personal data from publicly available sources (e.g., commercial registers and registers of associations media, Internet) which we lawfully obtain and are permitted to process.

Relevant personal data of the authorized 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), tax-ID.

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

## 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 applicable Luxembourgish Data Protection Act:

### a. for the performance of contractual obligations (article 6 (1) b) GDPR)

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 the respective contractual documentation and terms and conditions.

### b. for compliance with a legal obligation (article 6 (1) c) GDPR or in the public interest (article 6 (1) e) GDPR)

As a bank, we are also subject to various legal obligations, i.e., statutory requirements (e.g., the Law of 17 June 1992 relating to the accounts of credit institutions, the EU Directive 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, the Law of 5 April 1993 on the financial sector, tax laws) as well as banking supervisory requirements (e.g., the European Central Bank, the European

Banking Supervisory Authority, Deutsche Bundesbank, and the German Federal Financial Supervisory Authority / Bundesanstalt für Finanzdienstleistungsaufsicht Bafin), the Luxembourgish Central Bank and the Luxembourgish Financial Supervisory Authority (Commission de surveillance du secteur financier – CSSF). The purposes of processing include identity and age verification as well as anti-fraud and anti-money laundering measures.

### c. for the purposes of safeguarding legitimate interests (article 6 (1) f) GDPR)

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 defense 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 or to document disposals and deposits, e.g., at ATMs
- Measures for building and systems security (e.g., admittance control)
- Measures to ensure against trespassing

### d. on the basis of your consent (article 6 (1) a) GDPR)

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 prior to the entry into force of the EU General Data Protection Regulation, i.e., prior to 25 May 2018. Please be advised that the revocation will only take effect in the future and does not apply to processing carried out prior thereto.

## 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 authorized representatives / agents) of which we may have knowledge (Banking secrecy under no. 2 of our General Business Conditions). We may only disclose information about you if we are legally required to do so, if you have given your consent and / or if processors commissioned by us guarantee compliance with banking secrecy and the provisions of the GDPR.

## 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 authorized 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 Luxembourgish Commercial Code (Le Code de commerce); the Law of 17 June 1992 relating to the accounts of credit institutions; the

EU Directive 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist; and the Law of 5 April 1993 on the financial sector). The records retention periods prescribed therein range from 5 to 10 years.

— Preservation of evidence within the scope of statutes of limitations. Under art 2262. of the Luxembourgish Civil Code (Code civil), these limitation periods may be up to 30 years.

#### 7. What data protection rights do I have

Every data subject has a right of access (article 15 GDPR), a right to rectification (article 16 GDPR), a right to erasure (article 17 GDPR), a right to restriction of processing (article 18 GDPR), a right to object (article 21 GDPR) and a right to data portability (article 20 GDPR). The right of access are subject to restrictions (article 29 of the modified law of 2002 in conjunction with article 23 GDPR). Data subjects also have a right to lodge a complaint with a supervisory authority (article 77 GDPR).

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 General Data Protection Regulation, 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 / authorization 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

authorized representative / agent without these data or we would have to revoke any existing representative authority / authorization.

In particular, provisions of money laundering law require that we verify your identity before establishing the authority / authorization, 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 applicable rules and regulations regarding anti money laundering and anti financial crime 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 / authorization requested by the respective legal entity.

#### **Information on your right to object under article 21 of the General Data Protection Regulation (GDPR)**

##### **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 article 6 (1) e) GDPR (processing in the public interest) and article 6 (1) f) GDPR (processing for the purposes of safeguarding legitimate interests).

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 telephone to: +352 4 21 221