

# Privacy Notice of Hamburg Commercial Bank AG

How we handle your data – know your rights

Information in accordance with Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR)

## What is this information letter about?

This notice is to inform you about how your personal data are processed by Hamburg Commercial Bank AG and the claims and rights you are entitled to under data protection regulations. Personal data are any information relating to an identified or identifiable natural person. That is always the case where the person concerned can be at least indirectly identified. Please note that it may not always be obvious at first glance that the information relates to an identifiable person. In individual cases, therefore, information about a company may also be personal data about you or a third party. This is the case, for example, where the information in question permits a conclusion to be drawn about a natural person who is behind the company or acts for the company. Specifically, this may apply, in particular, to sole proprietorships and partnerships, as well as authorized representatives or persons entitled to access an account, contact persons or other natural persons. Which data are specifically processed and in what way it will be used essentially depends on the status of the business relationship between you and Hamburg Commercial Bank AG and, where applicable, the services requested by you or agreed with you.

## Passing on this information letter

Please also share this information letter with all persons to whom the content is also of interest. This applies, in particular, to authorized persons such as "Prokuristen" (*holders of a general commercial power of attorney*) and beneficial owners as well as contact persons. The same applies to potential jointly obligated parties, such as guarantors and other parties furnishing security.

<b>1. Who is responsible for the data processing and whom can I contact?</b>	<p>The data controller is:</p> <p>Hamburg Commercial Bank AG Gerhart-Hauptmann-Platz 50 20095 Hamburg and Martensdamm 6 24103 Kiel Germany</p> <p>Email: <a href="mailto:info@hcob-bank.com">info@hcob-bank.com</a> Telephone: Hamburg +49 40 3333 0 Kiel +49 431 900 01</p> <p>You can reach our data protection officer at:</p> <p>Hamburg Commercial Bank AG Datenschutzbeauftragte/r Martensdamm 6 24103 Kiel Germany Email: <a href="mailto:Datenschutz@hcob-bank.com">Datenschutz@hcob-bank.com</a></p>
<b>2. What sources and data do we use?</b>	<p>We process personal data that we receive directly from you within the framework of the business relationship or its initiation with you. In addition, we process – to the extent necessary for the provision of our service – personal data that we have permissibly obtained from companies of Sparkassen-Finanzgruppe (SFG), other financial institutions or other third parties (in particular credit bureaus such as SCHUFA or Creditreform (for example, to execute orders, to fulfil contracts or on the basis of consent given by you). On the other hand, we process personal data that we have permissibly obtained from publicly accessible sources (e.g., debtor directories, land registers, trade and association registers, press, media) and are allowed to process.</p> <p>Processed personal data furthermore are personal details (name, address and other contact details, date and place of birth and nationality), information on family status, profession, information about your financial situation (creditworthiness data, rating data, origin of assets), marketing and sales data, documentation data (e.g., consulting protocol), register data, data on the use of our offered telemedia (e.g., time of calling our web pages, apps or newsletters and pages you clicked on), as well as other data belonging to said categories.</p> <p>As part of our business relationship, we also process data on your property regime, legitimization data (e.g., ID data), authentication data (e.g., signature sample), order data (e.g., payment order, securities order), data from the fulfilment of our contractual obligations (e.g., transaction volume data in payment transactions), credit limits, product data (e.g., deposit, credit and custody business) and other data belonging to the categories mentioned.</p>
<b>3. What do we process your data for (purpose of processing) and on what legal basis?</b>	<p>We process personal data in accordance with data protection regulations, in particular the European General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG).</p>

<p><b>3.1. for the fulfilment of contractual obligations (point b of Article 6 (1) GDPR)</b></p>	<p>The processing of personal data (Article 4 No. 2 GDPR) is done to perform our contracts with you in providing and brokering financial transactions, financial services, real estate transactions and pre-contractual measures for this purpose. This also includes the execution of your orders and any other activities required to operate and administer a credit and financial services institution to fulfil our contractual and pre-contractual obligations to you.</p> <p>The purposes of the data processing primarily depend on the specific product (e.g., account, credit, home building savings, securities, deposits, brokerage) and may include, but are not limited to, needs analysis, consulting, asset management and support, and execution of transactions.</p> <p>For further details on the purpose of the data processing, please refer to the (your) respective contract documents and the terms and conditions of our bank.</p>
<p><b>3.2. in the context of the balancing of interests (point f of Article 6 (1) GDPR)</b></p>	<p>If necessary, we process your data not only in the context of initiating our business relationship or fulfilling our contracts, but also in order to safeguard our or third parties' legitimate interests. This includes in particular the following purposes:</p> <ul style="list-style-type: none"> <li>- Consultation of and exchange of data with credit bureaus (e.g., SCHUFA) for the determination of credit and default risks and the need for a seizure protection account or basic account;</li> <li>- Review and optimization of needs analysis and direct customer approach procedures;</li> <li>- Marketing or market and opinion research, to the extent that you have not objected to the use of your data;</li> <li>- Asserting legal claims and defence in legal disputes;</li> <li>- Ensuring IT security and IT operations of Hamburg Commercial Bank AG;</li> <li>- Prevention and investigation of criminal offences;</li> <li>- Video surveillance is used to gather evidence of potential criminal offences. It thus serves the protection of customers and employees as well as the exercise of domiciliary rights;</li> <li>- Measures for building and system safety (e.g., access control);</li> <li>- Further measures to safeguard domiciliary rights;</li> <li>- Measures for business control and further development of services and products.</li> </ul>
<p><b>3.3. based on your consent (point a of Article 6 (1) GDPR)</b></p>	<p>If you have given us consent to process personal data for specific purposes (e.g., evaluation of payment transaction data for marketing purposes, creation of ratings and obtaining credit information, transfer of credit claims, transmission in credit card transactions), the legality of this processing will exist on the basis of your consent. You may at any time withdraw any consent given. This also applies to withdrawal of declarations of consent which you gave us - such as the SCHUFA clause - before the application of the GDPR, i.e. before 25 May 2018.</p> <p>Please note that the withdrawal of consent is only effective for the future. Processing that was done before the withdrawal of consent is not affected.</p>
<p><b>3.4. owing to legal requirements (point c of Article 6 (1) GDPR)</b></p>	<p>In addition, we, as Hamburg Commercial Bank AG, are subject to various legal obligations, i.e. legal requirements (e.g., German Banking Act (<i>Kreditwesengesetz</i>), German Money Laundering Act (<i>Geldwäschegesetz</i>), German Securities Trading Act (<i>Wertpapierhandelsgesetz</i>), tax laws as well as banking supervisory requirements (e.g., the European Central Bank, the European Banking Authority, the German Federal Bank and the Federal Financial Supervisory Authority)). The purposes of processing include, but are not limited to, credit review, identity and age review, fraud and money laundering prevention, the fulfilment of tax control and reporting obligations, and the assessment and management of risks.</p>
<p><b>4. Who gets my data?</b></p>	<p>Within Hamburg Commercial Bank AG, your data are received by those bodies requiring these to fulfil our contractual and legal obligations. Processors engaged by us (Article 28 GDPR) may also receive data for these purposes. These are companies in the categories financial and credit services, ATM services, IT services, logistics, printing and archiving services, telecommunications, debt collection, consulting, as well as sales and marketing.</p> <p>With regard to the transfer of data to recipients outside of Hamburg Commercial Bank AG, it should first be noted that under the general terms and conditions potentially agreed between you and us we are obliged to maintain confidentiality regarding all customer-related facts and assessments of which we obtain knowledge (banking secrecy). We may only disclose information about you if this is required by law, you have given your consent or we are authorized to provide banker's information. Under these conditions, recipients of personal data may be in particular:</p> <ul style="list-style-type: none"> <li>- Public authorities and institutions (in particular the German Federal Bank, the Federal Financial Supervisory Authority, the European Banking Authority, the European Central Bank, tax authorities, law enforcement authorities) if a legal or regulatory obligation exists.</li> <li>- Other credit and financial services institutions or similar institutions to which we transfer personal data to initiate or manage the business relationship with you (depending on the contract: e.g., correspondence institutions, custodian banks, exchanges, credit bureaus, rating agencies (in particular Fitch Ratings, Moody's, Standard &amp; Poor's), credit card companies), which particularly takes place in connection with banker's information, fund administration, credit processing, collateral management, video legitimation, securities-related services, payment card processing (debit cards/credit cards), and payment transactions.</li> </ul>

	<p>Other data recipients may be those bodies for which you have given us your consent to transfer data or for which you have exempted us from banking secrecy by agreement or consent, in particular other credit and financial services institutions or similar institutions (e.g., credit bureaus, rating agencies, credit card companies).</p>
<p><b>5. How long will my data be stored?</b></p>	<p>If necessary, we process and store your personal data for the duration of our business relationship, which includes, for example, the initiation and execution of a contract. It should be noted that our business relationship is a continuing obligation designed to run for years. We also process personal data that we receive with regard to the initiation of a business relationship with you. If no business relationship is initiated with you, this personal data will be deleted as soon as it is no longer necessary for initiating a business relationship with you and we no longer have a legitimate interest in processing your personal data, but no later than six months after the date of the last contact with you.</p> <p>In addition, we are subject to various preservation and documentation obligations arising, inter alia, from the German Commercial Code (<i>Handelsgesetzbuch</i>), the German Tax Code (<i>Abgabenordnung</i>), the German Banking Act (<i>Kreditwesengesetz</i>), the German Money Laundering Act (<i>Geldwäschegesetz</i>) and the German Securities Trading Act (<i>Wertpapierhandelsgesetz</i>). The preservation and documentation periods stipulated therein are two to ten years.</p> <p>Finally, the storage period is also determined by the statutory limitation periods, which, for example, according to Sections 195 et seq. of the German Civil Code (<i>Bürgerliches Gesetzbuch</i>), are generally 3 years, but in certain cases may also be up to thirty years.</p>
<p><b>6. Are data transferred to a third country or to an international organization?</b></p>	<p>A transfer of data to third countries (states outside the European Economic Area - EEA) will only take place if this is required to execute your orders (e.g., payment and securities orders) or is required by law or if you have given us your consent. This is particularly the case if you are a customer of one of our foreign branches (in particular Singapore) or have a business relationship with it. The same shall apply within the context of initiating a business relationship with one of our foreign branches. We shall provide you with details separately, if required by law.</p>
<p><b>7. What data protection rights do I have?</b></p>	<p>As the data subject within the meaning of GDPR (Article 4 (1) GDPR) you have various rights in relation to us, about which we would like to inform you below. Further details can be found in Articles 15 to 21 GDPR and Sections 32 to 37 BDSG (as amended on 25 May 2018).</p> <p>To assert your rights, please contact (informally):</p> <p>Hamburg Commercial Bank AG Datenschutzbeauftragte/n Martensdamm 6 24103 Kiel Germany Email: <a href="mailto:Datenschutz@hcob-bank.com">Datenschutz@hcob-bank.com</a></p> <p><b>Right of access</b> As the data subject within the meaning of the GDPR, you have the right to obtain from us information about whether and what data we process concerning you. In addition, you, as the data subject, may receive a copy of these data from us.</p> <p><b>Right to rectification</b> As the data subject within the meaning of the GDPR, you have the right to obtain from us without undue delay rectification of information that is not or no longer accurate concerning you. In addition, as the data subject, you have the right to have your incomplete personal data completed. If required by law, we shall also inform third parties about this rectification if we have transferred your data to them.</p> <p><b>Right to erasure</b> As the data subject within the meaning of GDPR, you have the right to obtain from us erasure of your personal data without undue delay if one of the following reasons applies:</p> <ul style="list-style-type: none"> <li>- Your data are no longer necessary for the purposes for which they were collected or otherwise processed, or the purpose has been achieved;</li> <li>- You withdraw your consent and where there is no other legal ground for the processing;</li> <li>- You object to the processing and there are no overriding legitimate grounds for the processing;</li> <li>- You object to the processing;</li> <li>- Your personal data have been unlawfully processed;</li> <li>- Your personal data have to be erased for compliance with a legal obligation under Union or national law to which we are subject.</li> </ul> <p>Please note that your right to erasure may be restricted by legal provisions. These include in particular the restrictions listed in Article 17 GDPR and Section 35 of the Federal Data Protection Act (as amended on 25 May 2018).</p> <p><b>Right to restriction of processing</b> As the data subject within the meaning of the GDPR, you have the right to obtain from us restriction of processing of your personal data where one of the following applies:</p> <ul style="list-style-type: none"> <li>- you contest the accuracy of your personal data, for a period enabling us to verify the accuracy of the personal data;</li> <li>- the processing is unlawful and you oppose the erasure of the personal data and request the</li> </ul>

	<p>restriction of the use of your personal data instead;</p> <ul style="list-style-type: none"> <li>- We no longer need your personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims, or</li> <li>- You have objected to processing pending the verification whether our legitimate grounds override yours.</li> </ul> <p>If you have obtained a restriction of processing according to the aforementioned list, we shall inform you before the restriction is lifted.</p> <p><b>Right to object</b> If we process your data for legitimate interests of Hamburg Commercial Bank AG or third parties or in the public interest, you as the data subject have the right to object to the processing of your data. Please also note the information provided in the separate information letter regarding your right to object.</p> <p><b>Right to withdraw consent</b> As the data subject within the meaning of the GDPR, you may withdraw your consent given to us at any time with effect for the future. This also applies to consent you gave us prior to the application of the GDPR (i.e. before 25 May 2018). If you withdraw your consent, this will not affect the lawfulness of the data processing carried out until then. For details of the consequences of the withdrawal in individual cases for data processing or performance of the contract, please refer to the separate instructions of the respective declaration of consent.</p> <p><b>Right to data portability</b> As the data subject within the meaning of the GDPR you have the right to receive personal data concerning you which you have provided to us, in a structured, commonly used and machine-readable format and to have us transmit these data to others. For details and restrictions, please refer to Article 20 GDPR. The exercise of this right is without prejudice to your right to erasure.</p> <p><b>Rights to lodge a complaint with the supervisory authority</b> If you consider that the processing of your data by us infringes applicable data protection laws, you have the right to lodge a complaint with the competent supervisory authorities, i.e. in particular the Hamburg Commissioner for Data Protection and Freedom of Information, the Independent Centre for Privacy Protection Schleswig-Holstein or the respective supervisory authority in the Member State of your habitual residence, your place of work or the place of the alleged infringement of data protection provisions.</p>
<p><b>8. Is there an obligation for me to provide data?</b></p>	<p>Within the framework of our business relationship you only need to provide the personal data which are necessary to establish, conduct and terminate a business relationship or which we are required to collect by law. Without this data, we will generally have to refuse to conclude the contract or to execute the order or we will no longer be able to execute an existing contract or will possibly have to terminate it. In particular, we are required by money laundering law to identify you before establishing a business relationship, for example on the basis of your identity card, and in doing so to collect data on your name, place of birth, date of birth, nationality and your address. To enable us to fulfil this legal obligation, you must provide us with the necessary information and documents in accordance with the Money Laundering Act and notify us of any changes arising in the course of the business relationship without undue delay. If you do not provide us with the necessary information and documents, we may not take up or continue the business relationship desired by you.</p>
<p><b>9. To what extent does an automated decision-making exist in individual cases?</b></p>	<p>To establish and conduct the business relationship we currently do not use automated decision-making pursuant to Article 22 GDPR, i.e. no procedures where decisions are based solely on automated processing. Should we use these procedures in individual cases, we shall inform you about this separately, if this is required by law.</p>
<p><b>10. To what extent are my data used for profiling (scoring)?</b></p>	<p>We partly process your data by automated means with the aim of evaluating specific personal aspects (profiling). We use profiling in the following case: Due to legal and regulatory requirements, we are obliged to combat money laundering, terrorist financing and property-related offences. At the same time, data evaluations (among others in payment transactions) are also carried out. These measures also serve your protection.</p>