

## INFORMATION ON THE PROCESSING OF PERSONAL DATA

In connection with implementation of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ("GDPR"), Bank Handlowy w Warszawie S.A. ("Bank") would like to inform you of the rules regulating the processing of your personal data and on your rights connected with it.

If you have any questions as to the manner and scope of the processing of your personal data by the Bank as well as your rights, please contact the Bank at ul. Senatorska 16, 00-923 Warszawa [Warsaw], or the data protection officer by electronic means at daneosobowe@bankhandlowy.pl or in writing at ul. Senatorska 16, 00-923 Warszawa [Warsaw].

### I. IDENTIFICATION OF THE CONTROLLER

Your personal data will be administered by Bank Handlowy w Warszawie S.A. with its registered office in Warsaw, ul. Senatorska 16.

### II. PURPOSES AND LEGAL BASIS OF THE PROCESSING OF YOUR PERSONAL DATA:

1. The Bank carries out the processing of your personal data in order to enter into an agreement, between you and the Bank, concerning products or services offered by the Bank to entities running individual business activity and if it is required to perform such agreement with the Bank (Article 6(1)(b) of the GDPR), and, in addition:
  - a) with respect to agreements concluded by the Bank, including agreements for credit products:
    - i. for purposes connected with the performance of credit worthiness assessment or credit risk analysis (pursuant to Article 70 of the Banking Law of 29 August 1997);
    - ii. in order to provide information to institutions established under Article 105 clause 4 of the Act — Banking Law, including to Biuro Informacji Kredytowej S.A. (BIK) with its registered office in Warsaw, to the Polish Bank Association with its registered office in Warsaw, as well as to business information bureaus according to the rules prescribed in the Act on providing business information and exchange of business data of 9 April 2010;
  - b) with regard to agreements for investment services – for purposes connected with examination of the level of knowledge on investing in the scope of financial instruments and investment experience and determination of a target group for a particular financial instrument (according to the rules prescribed in the Act on trading in financial instruments of 29 July 2005 and in executory acts issued on its basis);
  - c) to fulfil legal obligations imposed on the Bank in connection with its banking activity, including the following:
    - i. resulting from the Act on Anti-Money Laundering and Combating the Financing of Terrorism of 1 March 2018 (the so-called "AML Act"),
    - ii. connected with provision of Bank's cash flow liquidity, including fulfilment of obligations resulting from Regulation (EU) No. 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012 (the so-called "CRR Regulation");
    - iii. if applicable to you, in order to monitor correspondence with the Bank and transactions or orders pursuant to Regulation (EU) 2016/1011 of the European Parliament and of the Council (so called "Benchmarks Regulation") and Regulation (EU) 596/2014 of the European Parliament and of the Council (so called "MAR"), and in accordance with relevant industry codes applicable to institutions from the banking sector (e.g. Code of Conduct for WIBID and WIBOR Fixing Participants), and – if applicable – in order to monitor and record telephone conversations and electronic correspondence with the Bank under the Act on Trade in Financial Instruments of 29 July 2005;
    - iv. connected with reporting to public authorities, including supervisory authorities, and other entities to which the Bank is obliged to submit its reports on the basis of the applicable 3 legal provisions, including in connection with fulfilment by the Bank of the identification and reporting obligations resulting from the Act on exchange of tax information with other countries of 9 March 2017 (the so-called "CRS Act"), the Act on performing the Agreement between the Government of the Republic of Poland and the Government of the United States of America to Improve International Tax Compliance and to Implement FATCA of 9 October 2015, or the Act Amending the Acts to counteract the use of the financial sector in fiscal extortions of 24 November 2017 (the so-called "STIR Act"),
    - v. connected with the processing of complaints and claims relating to the services provided by the Bank pursuant to Article 5 of the Act on processing complaints by entities operating in the financial market, on the Financial Ombudsman and Financial Education Fund of 5 August 2015, as well as other requests and queries addressed to the Bank.
2. What is more, in certain situations it is or may prove necessary to process your data for different purposes than those indicated above, essential due to exercise of Bank's legitimate interest (Article 6(1)(f) of GDPR), in particular for the following purposes:
  - a) marketing of Bank's products and services;
  - b) connected with monitoring and improvement of quality of the products and services provided by the Bank, including monitoring of phone calls and meetings with the Bank, checking your satisfaction with the provided services;
  - c) connected with management of risk and Bank's internal control pursuant to Article 9 et seq. of the Banking Act;
  - d) if applicable to you, restructuring or sales of Bank's claims Client and pursuing claims by the Bank;
  - e) if applicable, connected with conducting litigations, as well as proceedings before public authorities and other proceedings, including for the purpose of pursuing and defending against claims;

- f) counteracting frauds and use of the Bank's operations for criminal purposes, including for the purpose of processing and sharing information related to suspicions or detection of crimes according to the rules prescribed in Article 106d et seq. of the Banking Act;
  - g) internal reporting within the Bank or the Citigroup capital group, including management reporting;
  - h) if applicable, connected with maintaining internal records of granted and received gifts or other consideration, conflicts of interest and violations of ethical conduct in a scope necessary for counteracting frauds and/or use of Bank's operations for criminal purposes;
3. In other cases, your personal data will only be processed on the basis of your prior consent and in the scope and for the purpose determined in the wording of such consent.

### **III. THE OBLIGATION TO PROVIDE YOUR PERSONAL DATA TO THE BANK**

You must provide your personal data to conclude and perform an agreement between you and the Bank. This condition results from performance of the obligations arising out of the legal provisions mentioned above or is necessary for achievement of the objectives arising out of the Bank's legitimate interest mentioned above.

If you fail to provide all required personal data, this will prevent the Bank from concluding the agreement with you and providing services to you. In the scope in which personal data are collected on the basis of consent, providing personal data is voluntary.

### **IV. INFORMATION ON THE RECIPIENTS OF YOUR PERSONAL DATA**

In connection with the processing of your personal data for the purposes indicated in point II, your personal data, including the data on conducted business activity, may be disclosed to the following recipients or recipient categories:

- a) public authorities and entities performing public duties or acting upon commission of public authorities in the scope and for the purposes resulting from the legal provisions, e.g. to the Polish Financial Supervision Authority (Komisja Nadzoru Finansowego), the General Inspector of Financial Information (Generalny Inspektor Informacji Finansowej), the National Revenue Administration (Krajowa Administracja Skarbowa);
- b) entities associated with the Bank, including within the frames of Citigroup, during performance of their reporting obligations;
- c) entities performing duties resulting from the legal provisions, such as Credit Information Bureaus (BIK) and business information bureaus, as well as other banks and credit institutions in the scope in which such information is necessary in connection with performance of banking activities and acquiring and disposing of claims;
- d) entities participating in processes necessary for performance of agreements concluded with you, including Krajowa Izba Rozliczeniowa S.A., Bank Gospodarstwa Krajowego, Visa, Mastercard, First Data Polska;
- e) entities supporting the Bank in its business processes and banking activities, including entities processing personal data for the account of the Bank (the so-called data processors);
- f) the Polish Bank Association.

### **V. PERSONAL DATA PROCESSING PERIODS**

Your personal data will be processed for a period necessary for the achievement of the objectives indicated in point II, i.e. in the scope of performance of the agreement concluded between you and the Bank, for a period until the end of its performance, and after that period for a period and in a scope required under the legal provisions or for implementation by the Bank of a legitimate interest of the data controller in the scope as prescribed in point II.2 above, and if you give your consent to the data processing after termination or expiry of the agreement, until you withdraw your consent.

### **VI. PROFILING AND AUTOMATED DECISION MAKING**

Profiling should be understood as any form of the automated processing of personal data which consists in their use for assessment of certain features of an individual, in particular for analysis or forecast of certain features related to effects of work of a given individual, his/her economic standing, health, personal preferences, interests, reliability, conduct, localization or moving.

In the scope necessary for conclusion or performance of the agreement between you and the Bank or performance by the Bank of an obligation resulting from the legal provisions, your personal data may be processed in an automated manner which may involve automated decision-making, including profiling, which may cause legal effects against you or otherwise considerably affect your situation. This type of cases occurs in the following situations:

1. Conducting assessment of the risk of money laundering and terrorist financing in accordance with the AML Act:
  - a) your personal data are used in the process "Know your customer", which takes place at the stage of establishing relations, but also later, as part of cyclical reviews. Within the frames of profiling, among others, on the basis of circumstances such as the type of client, business relations, transaction history, geographical risk and verification if a client is a person holding an exposed political position within the meaning of the AML Act and if such person has demonstrated a high risk activity before (e.g. transactions previously reported to the General Inspector of Financial Information (GIIF), a level of risk for the particular client is determined or changed. If as a result of such profiling you are qualified as a high risk person, the Bank reserves the right to contact you in order to obtain additional information. Furthermore, as a result of such qualification at the stage of establishing relation, we may refuse to conclude the agreement with you.
  - b) Your personal data will be profiled for the purpose of identification of possible cases of money laundering or terrorist financing in accordance with the AML Act. Within the frames of such profiling the following data are considered, among others: data on transactions, nationality, type of client, type of business relations, geographical area as well as prior high risk activity. As a result of such profiling certain conduct is identified as potentially non-compliant with the provisions of the AML Act in terms of money laundering or terrorist financing. Should any justified suspicions of money laundering or terrorist financing be found, the relevant transaction will be reported to competent authorities or the agreement may be terminated. Such a finding may also lead to refusal to conclude another agreement with you in the future, or refusal to extend the current relation by further products offered by the Bank.
2. With regard to credit facility agreements, your personal data, i.e., among other things, the previous credit history, demographical data, transaction history, as well as the previous assessment of your credit capacity and creditworthiness may be profiled within the frames of the processes of management of the credit risk and Bank's capital in connection with the requirement of the CRR Regulation discussed above. Such profiling will have no effects on you.

3. With regard to performance of a payment card agreement, in accordance with the terms and conditions of the agreement concluded with the Bank:
  - a) you may receive an automated decision on reducing limit on your credit card if your credit capacity has deteriorated. Deterioration of credit capacity may be identified by the Bank only as a result of assessment of objective information, i.e. on the basis of information on the number, amount and quality of ongoing service of credit facilities and other services, whereby such information is obtained from the base of the Bank Register (MIG-BR), the base of BIK and Bank's systems.
  - b) you may receive an automated decision on refusal to execute a transaction. Such a decision will be made if the credit limit granted is exceeded, in accordance with the conditions of the agreement, or if it is suspected that a transaction was executed by an unauthorized person. Such cases are identified on the basis of profiling of you as card user following the to-date behavior on the credit card.
4. In justified cases you may receive an automated decision on refusal to execute a payment transaction in the case of suspicion that it has been initiated by an unauthorized person. Identification of such cases relies on profiling determined according to criteria connected with the features of your transactions, including the transaction amount, the venue where the transaction is initiated, the authentication method.
5. In the case of agreements for investment services – in the scope connected with assessment of the level of knowledge and experience (in accordance with the Act on trading in financial instruments of 29 July 2005 and secondary legislation thereto), information derived in that scope will be used for assessment of your knowledge and experience in investing in the financial market.
6. For marketing purposes referred to in item II.2(a) your personal data (among other things, the previous credit history, demographical data, transaction history, as well as the previous assessment of your credit capacity) may be used for profiling for the purpose of sending you a personalized offer which, if you decide not to take advantage of it, will cause no negative effects for you.

## **VII. RIGHTS OF THE DATA SUBJECT**

The Bank would like to assure you that all persons whose personal data are processed by the Bank enjoy respective rights resulting from the GDPR. In view of the foregoing, you have the following rights:

1. the right to access personal data, including the right to obtain copies of such data;
2. the right to demand correction of personal data – if the data are incorrect or incomplete;
3. the right to demand removal of personal data (the so-called right to be forgotten) – if: (i) the data are no longer necessary for the purposes for which they have been collected or processed, (ii) the data subject raises an objection against personal data processing, (iii) the data subject withdraws the consent on which the processing is based and there is no other legal basis for the processing, (iv) the data are processed in violation of the law, (v) the data have to be removed for purpose of fulfilment of an obligation resulting from the legal provisions;
4. the right to demand limitation of the processing of personal data – if: (i) the data subject questions the correctness of personal data, (ii) the processing of data is in violation of the law and the data subject opposes removal of the data, demanding their limitation instead, (iii) the controller no longer needs the data for own purposes, but the data subject needs them for determination, defense or pursuit of claims, (iv) the data subject raises an objection against data processing, until it is determined if legally justified reasons on the part of the controller are superior to the basis of the objection;
5. the right of data portability – if: (i) the processing takes place on the basis of an agreement with the data subject or on the basis of consent expressed by such person, and (ii) the processing takes place in an automated manner;
6. the right to oppose the processing of personal data, including profiling – if: (i) certain reasons arise which are connected with your specific situation, and (ii) the processing of data relies on the necessity for purposes resulting from Bank's legitimate interest referred to in point II.2 above.

## **VIII. THE RIGHT TO REVOKE THE CONSENT TO PROCESS PERSONAL DATA**

In the scope in which you have given your consent to the processing of personal data, you may revoke your consent to the processing of personal data. Revoking the consent does not affect the legality of the data processing carried out on the basis of the consent before it is revoked.

## **IX. THE RIGHT TO FILE A COMPLAINT WITH A SUPERVISORY AUTHORITY**

If you find that the processing by the Bank of your personal data violates the provisions of GDPR, you may file a complaint with the relevant supervisory authority.

## **X. TRANSFER OF PERSONAL DATA TO ENTITIES FROM BEYOND THE EUROPEAN ECONOMIC AREA (EEA) OR INTERNATIONAL ORGANIZATIONS**

In cases justified and necessary due to circumstances, the Bank may disclose your personal data to entities having their registered office outside the EEA (USA, Singapore, India, China, Hong Kong, Canada and United Kingdom) and international organizations (e.g. SWIFT), as well as other entities having their registered office outside the EEA or international organizations to which the transfer is necessary for the purpose of performing the agreement (e.g. execution of your orders connected with the agreement). In principle, data will be transferred outside the EEA on the basis of standard contractual clauses concluded with the recipient, the content of which has been determined by the European Commission and ensures the highest standards of personal data protection applied in the market. You have the right to obtain copies of the above-mentioned contractual clauses (or other appropriate safeguards of data transfers outside the EEA) via the Bank.