

## PRIVACY NOTICE

In order to be compliant with 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) (the "GDPR"), Bank Handlowy w Warszawie S.A. (the „Bank”) hereby informs about the rules of processing Your personal data and about your rights related with it.

Following rules are applicable from 25 May 2018.

If You have any questions regarding manners and scope of processing of Your personal data by the Bank, as well as regarding Your rights, please contact the Bank on the address ul. Senatorska 16, 00-923 Warsaw (Poland), or the data protection officer at the Bank via email (daneosobowe@bankhandlowy.pl) or post (address: ul. Senatorska 16, 00-923 Warsaw).

### I. Indication of the data controller

The data controller of Your personal data is Bank Handlowy w Warszawie S.A. with its registered office in Warsaw at ul. Senatorska 16.

### II. Objectives and legal basis for the processing of your personal data:

1. The bank processes Your personal data, i.e. Your name, surname, and if applicable: PESEL number, correspondence address, contact details, position, data from the identification document and/or document confirming the entitlement to act on behalf of the client or another person, specimen signature, scope of authorization, preferred language of service, in general for executing purposes resulting from the Bank's legitimate interest in taking actions to enter into or to execute the agreement between Your principal, who is a client or potential client of the Bank (called hereinafter "the Bank's Client") and the Bank (the Article 6.1.f. of the GDPR), and additionally:
  - a) if applicable, in relation to agreements concluded by the Bank, including on credit products, for purposes related to the evaluation of creditworthiness or credit risk analysis (in accordance with the Article 70 of the Polish Banking Law) ;
  - b) for purposes of being compliant with legal obligations borne by the Bank in relation with conducting banking activities, including:
    - i. purposes resulting from the Polish Act of 1 March 2018 on counteracting money laundering and terrorist financing (so called the "AML Act");
    - ii. if applicable, purposes related with monitoring of correspondence with the Bank and transactions / orders on basis of the Regulation (EU) 2016/1011 on benchmarks and Regulation (EU) 596/2014 on market abuse (Market Abuse Regulation, the "MAR Regulation"), as well as in accordance with relevant sector-specific codes relevant for institutions of the banking sector (e.g. Code of Conduct for WIBID and WIBOR fixing participants) and, if applicable, monitoring and recording of phone calls and electronic communications with the Bank and transactions / orders on basis of the Polish Act of 29 July 2005 on trading in financial instruments;
    - iii. purposes related with reporting to authorities, including supervisory authorities, and to other entities, to which the Bank is obliged to report on basis of applicable laws and regulations, including under the Polish Act on amending certain acts for purposes of counteracting of the use of financial sector for fiscal extortions (the "STIR Act");
    - iv. purposes related with handling actions and complaints related to services provided by the Bank on basis of the Article 5 of the Act of 5 August 2015 on handling of complaints by financial market organizations, on the Financial Ombudsman and Financial Education Fund, as well as other requests, motions and inquiries addressed to the Bank;
2. Moreover, in certain situations it might be necessary to process Your personal data due to necessity to pursue legitimate interests by the Bank (the Article 6.1.f of the GDPR), in particular but not limited to:
  - a) for purposes of marketing of the Bank's products and services, which are addressed to the Bank's Client;
  - b) for purposes related with monitoring and improving quality of products and services provided by the Bank, including monitoring of telephone conversations and meetings with the Bank, surveying Your satisfaction from provided services;
  - c) for purposes related with risk management and internal control of the Bank on basis of the Article 9 and subsequent of the Polish Banking Law;
  - d) for purposes of counteracting abuses and making advantage of the Bank's activity for criminal purposes, including for purposes of processing and sharing information concerning suspicions or detecting offences on principles stipulated in the Article 106d and subsequent of the Polish Banking Law;
  - e) if applicable, for purposes of keeping internal records of given and received benefits, conflicts of interests and violation of ethics to the extent necessary for counteracting abuses and making advantage of the Bank's activity for criminal purposes;
  - f) if applicable for the Bank's Client, for purposes of restructuring and sale of the Bank's receivable debts relevant to him/her and pursue of claims by the Bank;
  - g) if applicable, for purposes related with handling dispute proceedings, as well as proceedings pending before state authorities and other proceedings, including for purposes of pursue and defending against claims;
  - h) for purposes of internal reporting within the Bank or within Citigroup, including management reporting.

3. In other cases, Your personal data will be processed only on basis of previously given consent to the extent and for purposes specified in consent's content.

### **III. Source of personal data**

If Your personal data have not been collected directly from You, the Bank informs that they were obtained from the Bank's Client. In case, where Your personal data have not been collected from the Bank's Client, they have been obtained from publicly available registers (e.g. CEIDG, REGON), other publicly available sources, such as the Internet or from the Bank's partners to whom You granted a consent for processing personal data for marketing purposes.

### **IV. Obligation to provide personal data to the Bank**

To the extent that Your personal data is obtained directly from you, providing personal data by You results from compliance with legal obligations or is necessary to pursue purposes resulting from abovementioned legitimate interests of the Bank, including to enter into and exercise the agreement between the Bank's Client and the Bank.

The failure to provide all required personal data by You, may be, depending on the circumstances, a hindrance or an obstacle to enter into and provide services by the Bank for the Bank's Client.

To the extent, where personal data are being collected on basis of consent, providing personal data is voluntary.

### **V. Information on recipients of Your personal data**

With regard to processing of Your personal data for purposes mentioned in p. II, Your personal data might be shared with following recipients or categories of recipients:

- a) state authorities and entities performing public tasks or acting at the direction of state authorities, to the extent and for purposes, which results from law provisions, e.g. the Polish Financial Supervision Authority (KNF), the Polish General Inspector of Financial Information (GIIF), the Polish National Revenue Administration (KAS);
- b) entities affiliated with the Bank, including within Citigroup, during performing reporting obligations;
- c) entities performing tasks resulting from law provisions, such as BIK or business information offices, as well as other banks and institutions to the extent that this information is necessary in connection with carrying out banking operations and with acquiring and transferring receivable debts;
- d) entities participating in processes necessary for exercising agreements concluded with You, including Krajowa Izba Rozliczeniowa S.A (KIR), Bank Gospodarstwa Krajowego, Visa, Mastercard, First Data Polska;
- e) entities supporting Bank in its business processes and banking operations, including data processors on behalf of the Bank;
- f) the Polish Bank Association.

### **VI. Periods of processing personal data**

Your personal data will be processed for period necessary for realisation of purposes indicated in p. II, i.e. to the extent of exercising agreement concluded between the Bank's Client and the Bank, for period until end of its exercising, and after this time for period and to the extent required by law provisions or for pursuing data controller's legitimate interests by the Bank in scope stipulated in p. II above. In case where You have given a consent for processing personal data for other purposes than indicated in p. II above, Your personal data will be processed until withdrawal of such consent.

### **VII. Profiling or automated decision-making**

Profiling should be understood as any form of automated processing of personal data consisting of its use to evaluate certain personal aspects relating to a natural person, in particular to analyze or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location or movements.

To the extent necessary for entering into, or performance of an agreement between the Bank's Client and the Bank or for the Bank's compliance with a legal obligation, Your personal data may be processed by automated means, which may be related with automated decision-making, including profiling, which could produce legal effects concerning You or similarly significantly affects. Such cases shall occur in following situations:

1. Within performing money laundering and terrorist financing risk analysis in accordance with the AML Act, Your personal data shall be subject to profiling for purposes of identification of eventual cases of money laundering or terrorist financing in accordance with the AML Act. Different factors are considered within such profiling: i.a. data concerning transaction, citizenship, client type, business relations type, geographic area, as well as previous high-risk activity. In the result of such profiling, behavior, which is potentially incompliant with the AML Act in scope of money laundering or terrorist financing, is identified. Eventual determination of justified suspicion of money laundering of terrorist financing results in notifying such transaction to relevant state authorities. In the result of such determination it may also come to refusal of entering into next contract with the Bank's and/or refusal of expanding actual relation for next products, which are offered by the Bank.
2. In justified cases, it is possible to make an automated decision towards You on refusal of executing payment transaction in case of suspecting that it has been initiated by an unauthorized person. Identification of such cases takes place on basis of profiling stipulated under criteria related with certain aspects of Your transactions, including transaction amount, place of initializing a transaction, means of authorization.

### **VIII. Rights of data subjects**

The Bank wishes to ensure You that all persons, which personal data are being processed by the Bank, are entitled to use its rights resulting from GDPR. With regards to such, You are entitled to following rights:

1. right of access to the personal data, including a right to obtain a copy of such data;
2. right to obtain the rectification (correction) of the personal data – in case when such data are inaccurate or incomplete;

3. right to obtain the erasure of the personal data (so called „right to be forgotten”) – in case when: (i) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed, (ii) the data subject objects to the processing, (iii) the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing, (iv) the personal data have been unlawfully processed, (v) the personal data have to be erased for compliance with a legal obligation;
4. right to obtain the restriction of processing of personal data – in case, when: (i) the accuracy of the personal data is contested by the data subject; (ii) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead, (iii) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, defence or exercise of claims, (iv) the data subject has objected to processing of the personal data – pending the verification whether the legitimate grounds of the controller override those of the data subject;
5. right to receive or transmit the personal data in case when: (i) the processing is based on agreement concluded with data subjects or on consent expressed by such person, and (ii) the processing is carried out by automated means;
6. right to object to processing of personal data, including profiling, when (i) grounds relating to Your particular situation arise, (ii) processing of personal data is based on necessity to pursue purposes resulting from legitimate interests of the Bank, referred to in p. II above.

#### **IX. Right to withdraw consent for processing of personal data**

To the extent, where You have given a consent for processing of personal data, You are entitled to withdraw such consent for processing of personal data. Withdrawal of consent shall not affect the lawfulness of processing conducted based on consent before its withdrawal.

#### **X. Right to lodge a complaint with a supervisory authority**

In case You find processing of Your personal data by the Bank as infringing the GDPR provisions, You are entitled to lodge a complaint to relevant supervisory authority.

#### **XI. Transfer of personal data to entities outside European Economic Area (EEA) or to international organisations**

The Bank is justified and required, given the circumstances, cases might share Your personal data to entities situated outside EEA, i.e. USA, Singapore, India, China, Hong Kong, Canada and United Kingdom, and international organisations (e.g. SWIFT), as well as to other entities situated outside EEA, or international organisations, to which the transfer is necessary in order to exercise an agreement with the Bank's Client (e.g. in order to exercise orders related with the agreement lodged by You on behalf of the Bank's Client). In general, the transfer of data outside EEA shall take place on basis of standard data protection clauses concluded with the recipient of data, which content has been adopted by the European Commission and guarantees highest applied on the market standards of protection of personal data. You have a right to obtain a copy of abovementioned standard contractual clauses (or other appropriate safeguards for transfer outside EEA) via the Bank.