

## **CRIMINAL BACKGROUND SCREENING OF JOB APPLICANTS AT BANK HANDLOWY W WARSZAWIE SA**

### **1. Legal basis**

Bank Handlowy w Warszawie S.A. (the "**Bank**") is a financial institution which, under the Act of 12 April 2018 on the rules for securing criminal history information on job applicants and persons employed in financial sector entities (i.e. Journal of Laws 2020, item 1349, as amended) (the "**Act**"), is entitled to obtain criminal history information for: (i) job applicants, and (ii) employees.

### **2. Which crimes are covered by criminal history screening?**

The Bank does not check criminal history for all crimes, but only for selected ones specified in the Act. Also, the screening covers only the crimes found in a final judgment.

The screening covers in particular crimes against property, commerce, confidentiality, credibility of documents, life and health, public safety and freedom. The Bank will also screen for information on convictions for money laundering, breach of business secrecy or duties with regard to bookkeeping and financial reporting, as well as failure to report company bankruptcy.

Below is a detailed list of crimes subject to screening:

- i. Writing a check without cover: Article 61 of the Act of 28 April 1936 - Checking Law,
- ii. Failure to file a bankruptcy application for a cooperative, violation of lustration provisions, announcement or presentation of false information by members of a cooperative's body or liquidators: Articles 267b - 267d of the Act of 16 September 1982 - Cooperative Law,
- iii. Violation of business secrecy, counterfeiting, organization of a pyramid sales system - Articles 23-24a of the Act of 16 April 1993 on Combating Unfair Competition,
- iv. Appropriation of authorship, dissemination of a work without stating the author's name or pseudonym, distortion of a work, dissemination of a work without permission, illegal recording and reproduction of a work subject to copyright and related rights, fencing in the area of copyright and related rights, creating devices for unauthorized removal or circumvention of technical safeguards, violation of the right to control and the right to information - Articles 115-119 of the Act of 4 February 1994 on Copyright and Related Rights,
- v. Violation of duties in the area of bookkeeping and financial reporting, statutory auditor's liability for the opinion, violation of other provisions of the Accountancy Act - Articles 77 - 79 of the Accountancy Act of 29 September 1994,
- vi. Failure to set up or incorrect setup of a fund to secure guaranteed assets, failure to pay or incorrect payment of the mandatory contribution to the BFG (Bank Guarantee Fund) - Articles 42 - 42a of the Act of 14 December 1994 on the Bank Guarantee Fund,
- vii. Unauthorized or incorrect bonds issue, failure to disclose financial statements, failure to keep assets which are proceeds from a project on a bank account, allocating funds from bonds issue to purposes other than those defined in the terms of issue, failure to fulfill issuer's obligations, incorrect sale or purchase of bonds - Articles 38-41, Articles 43 - 43a of the Bonds Act of 29 June 1995,

- viii. Unauthorized performance of activities reserved for tax advisers or use of the title of tax adviser - Article 81 of the Act on Tax Advisory Services of 5 July 1996,
- ix. Crimes against life and health, crimes against public safety, crimes against freedom, crimes against information confidentiality, crimes against credibility of documents, crimes against property, crimes against commerce and property interests in civil law transactions, crimes against trading in money and securities, rape and extortion of a sexual act, corruption of a public office holder, bribery, paid passive and active protection, false testimony, hostage-taking, public provocation to commit a crime or fiscal offence, dissemination of content that may facilitate the commission of a terrorist crime, participation in an organized criminal group, arms production and trade without a permit - Chapters XIX, XX, XXIII, XXXIII-XXXVII and Article 197, Article 228-231, Article 233, Article 252, Article 255, Article 255a, Article 258 and Article 263 of the Criminal Code,
- x. Articles 215-219, Article 220 and Article 222 of the Act of 28 August 1997 on the Organization and Operation of Pension Funds,
- xi. Article 171 of the Banking Law,
- xii. Article 49 and Article. 51-54a of the Act of 29 August 1997 on Data Protection,
- xiii. Violation of the provisions imposing an obligation to provide information on bank accounts of eligible entities, failure to fulfill the obligation to block an account of an eligible entity, unauthorized disclosure or use of information, disclosure of information subject to fiscal secrecy - Articles 305p-306 of the Tax Code,
- xiv. Illegal issue of mortgage bonds - Article 37 of the Act of 29 August 1997 on Mortgage Bonds and Mortgage Banks,
- xv. Fiscal crimes and fiscal offences (i) against tax obligations and settlement of subsidies or subventions, (ii) against customs obligations and the rules of foreign trade in goods and services, (iii) against foreign exchange, (iv) against the organization of gambling, provisions of Chapters 6-9, Section II, Title I of the Act of 10 September 1999 - Fiscal Penal Code,
- xvi. Unauthorized receipt of information from the Register - Article 25 of the Act of 24 May 2000 on the National Criminal Register,
- xvii. Misappropriation of someone else's authorship, filing an application for someone else's invention, design or topography. Disclosure of information about someone else's inventions, designs, topographies, marking goods with a counterfeit trademark - Articles 303-305 of the Act of 30 June 2000 - Industrial Property Law,
- xviii. Failure to file for bankruptcy, announcement of false data, admission of purchase of own shares or stocks - Articles 586-592 of the Commercial Companies Code,
- xix. Article 56a, Articles 57-58c, Article 59, Article 59a and Article 60 of the Act of 26 October 2000 on Commodity Exchanges,
- xx. Failure to fulfill statutory obligations, violation of the obligation to provide information or documents to the Inspector General - Articles 35-37a of the Act of 16 November 2000 on Counteracting Money Laundering and Terrorism Financing,
- xxi. Operating a system without a permit, failure to comply with the obligation to shut down a system or failure to provide required documents, failure to comply with information obligations - Articles 24 and 25 of the Act of 24 August 2001 on Settlement Finality in Payment and Securities Settlement Systems and the Rules of Oversight of these Systems,

- xxii. Use, manufacture and marketing of prohibited devices and provision of prohibited services, use of a prohibited device - Articles 6 and 7 of the Act of 5 July 2002 on the Protection of Certain Services Provided Electronically Based on or Consisting of Conditional Access,
- xxiii. Provision of untrue information, failure to release assets part of a bankruptcy estate; liability for failure to provide information on the status of the bankrupt's assets - Articles 522 and 523 of the Bankruptcy Law,
- xxiv. Engaging in insurance or reinsurance activities without a permit, entering into insurance and reinsurance contracts without authorization, announcement or presentation of false data, provision of untrue information or misleading a supervisory authority, failure to file a petition in bankruptcy for an insurance or reinsurance company, unlawful designation of an insurance and reinsurance company, failure to carry out duties by manager of the main branch, unlawful disclosure or use of insurance secrets - Articles 225-232 of the Act of 22 May 2003 on Insurance Activity,
- xxv. Engaging in insurance activities contrary to the Act, use of terms indicating agency activities or brokerage activities with regard to insurance or reinsurance - Articles 47 and Article 48 of the Act of 22 May 2003 on Insurance Intermediation,
- xxvi. Unauthorized use of the term "pension plan" - Article 50 of the Act of 20 April 2004 on Employee Pension Plans,
- xxvii. Unauthorized use of the terms "individual retirement account" or "individual retirement security account" as well as the acronyms "IKE" or "IKZE" - Article 40 of the Act of 20 April 2004 on Individual Retirement Accounts and Individual Retirement Security Accounts,
- xxviii. Investing funds without a permit, provision of false information in a prospectus, provision of false data in key information for investors, provision of false data in the information for AIF clients, failure to submit, publish or prepare required documents, provision of false information or concealment of information in the policy on investment exposures or strategies, disclosure or misuse of professional secrets, unlawful disposal of participation units in foreign funds or open-end investment funds based in EEA countries, unlawful disposal of participation units in collective investment institutions or alternative investment funds based in countries other than the Republic of Poland, a Member State or an EEA country, unlawful establishment of branches of management firms, unlawful pursuit of management firms' activities, unlawful trading of AIF, unlawful pursuit of activities of an EU manager or investment funds, unlawful use of specific terms in business name or advertisements, failure to provide required information, failure to archive documents - Article 287, Article 287a, Articles 288a-293, Articles 294a-296, Article 298 and Article 299 of the Act of 27 May 2004 on Investment Funds and on Management of Alternative Investment Funds,
- xxix. Submission of a false declaration on the clean circumstances preventing the ability to serve as a grouping manager, provision of false data or declarations at the organization of a EC or at relocation of its statutory office, failure to file a petition in bankruptcy for a grouping or a EC, allowing an EC to acquire own shares or to use them as a lien, allowing the issue of documents authorizing the exercise of rights in EC shares against law - Articles 126-129, Article 131 and Article 132 of the Act of 4 March 2005 on the European Economic Interest Grouping and the European Company,
- xxx. Unauthorized trading in financial instruments, unauthorized use of designations, pursuit of benchmark development supervision activities contrary to regulations, provision to the National

Depository for Securities of false information or concealment of true information relevant to the assessment of admissibility of registration of the securities held in a securities depository, failure to perform or improper performance of other disclosure obligations toward the National Depository, breach of the obligation to develop or publish a policy on exposure in a company listed on a regulated market, provision of false information in the policy on exposure in a company listed on a regulated market, provision of false data in the information on consistency of the investment strategy with the arrangements for assets investment in companies shares admitted for trading on a regulated market, disclosure of false data to the issue agent, breach of professional secrecy in trading in financial instruments, the crime of disclosure or use of special confidential information, the crime of unauthorized disclosure of inside information, the crime of unauthorized use of inside information, the crime of unauthorized recommendation or inducement to purchase or sell financial instruments subject of the inside information, the crime of manipulating financial instruments - Articles 178-183 of the Act of 29 July 2005 on Trading in Financial Instruments,

- xxx. Breach of the duty to block an account, disruption of audit proceedings - Articles 45 and 46 of the Act of 29 July 2005 on Supervision over the Capital Market,
- xxxii. Punishable proposal to purchase securities, making a public offering of securities of a collective investment institution, misinformation in a public offering, misinformation of the Commission, disruption of the information obligation, failure to submit a supplement to the prospectus or information memorandum, failure to provide an annex, disclosure of information obtained by a company operating a regulated market that organizes an alternative trading system, failure to submit an application for appointment of a statutory auditor to assess the management report prepared in the event of a share capital increase in a public company by offsetting receivables, persistent evasion of the obligation to prepare or publish a remuneration report, a remuneration policy or a resolution on remuneration policy, provision of false data or concealment of true data affecting the content of the remuneration policy, provision of false or concealment of true data affecting the content of the report on remunerations - Articles 99-104e of the Act of 29 July 2005 on Public Offering and the Conditions Governing the Introduction of Financial Instruments to Organized Trading, and on Public Companies,
- xxxiii. Obstructing or preventing investigation - Article 20a of the Act of 21 July 2006 on Supervision over the Financial Market,
- xxxiv. Provision of false data, false information, declaration for the application for a certificate, failure to file a petition in bankruptcy for a cooperative, taking up or acquisition of own shares, issuance of cooperative shares - Article 105, Article 106 and Articles 108-110 of the Act of 22 July 2006 on the European Cooperative Society,
- xxxv. Application of the Argentinian system - Article 16 of the Act of 23 August 2007 on Counteracting Unfair Market Practices,
- xxxvi. Provision of false information, concealment of true data, breach of the professional secrecy obligation, Article 74v and Article 74w of the Act of 5 November 2009 on Cooperative Savings And Credit Unions,
- xxxvii. Pursuit of activities without approval of the regulations, unlawful use of the words "business information bureau" or the abbreviation "BIG", failure to request updates from the bureau, provision of false information to the bureau; failure to remove information, failure to comply with the obligation to terminate a contract for the provision of business information, request for

- disclosure of information without an authorization from the data subject, disclosure of false or outdated data - Articles 45-51 of the Act of 9 April 2010 on the Provision of Business Information and Exchange of Business Data,
- xxxviii. Corruption in sports, unfair participation in mutual betting, paid protection in sports - Articles 46-48 of the Act of 25 June 2010 on Sports,
- xxxix. Articles 59e-59i of the Act on Consumer Credit of 12 May 2011,
- xl. Illegal activities and intermediation in the provision of payment services or electronic money issuance - Articles 150-153b of the Act of 19 August 2011 on Payment Services,
- xli. Provision of false information in the prospectus, withdrawal of funds from a housing account - Article 33 and Article 34 of the Act of 16 September 2011 on the Protection of Rights of the Buyer of an Apartment or a Single-Family Home,
- xlii. Issue of bonds against provisions of the Act, violation of the provisions on the transfer and storage of records, failure to provide valuation of a collateral, provision of false data when proposing to purchase bonds, failure to provide financial statements, violation of the provisions on the income of the issuer of revenue bonds, allocation of proceeds from the bond issue to purposes other than those defined in the terms of issue, enabling illegal voting at the bondholders' meeting, use of a false or someone else's document at the bondholders' meeting, proposal to purchase bonds purchased by the issuer, purchase of own bonds contrary to regulations, breach of the obligations of the bank-representative - Articles 87-98 of the Act of 15 January 2015 on Bonds,
- xliii. Engaging in insurance or reinsurance activities without a permit, entering into insurance contracts without authorization, entering into reinsurance contracts without authorization, announcement or presentation of false data, breach of the obligation to prepare or publish a policy on exposure in a company listed on a regulated market or information on the consistency of the capital investment strategy with arrangements for assets investment in companies shares admitted for trading on a regulated market, provision of untrue information in an exposure policy, provision of untrue data in the information on consistency of the adopted investment strategy and its implementation with arrangements for assets investment in companies shares admitted for trading on a regulated market, provision of untrue information or misleading a supervisory authority, failure to file a petition in bankruptcy for an insurance or reinsurance company, unlawful designation of an insurance and reinsurance company, failure to carry out duties by manager of the main branch, unlawful disclosure or use of insurance secrets, unlawful disclosure or use of information obtained during the exercise of rights of a supervision authority - Articles 430-440 of the Act of 11 September 2015 on Insurance and Reinsurance Activity,
- xliv. Breach of obligations by entities making contributions in the form of payment obligations, failure to remit the required contributions, provision of false information to the BFG; concealment of information - Articles 332-334 of the Act of 10 June 2016 on the Bank Guarantee Fund, the Deposit Guarantee System and Compulsory Restructuring,
- xlv. Use of someone else's electronic signature, use of someone else's means of electronic identification, unauthorized retention and copying of data for an advanced electronic signature or electronic seal, unauthorized copying or retention of someone else's data enabling identification with the use of a means of electronic identification, issuance of a false certificate, disclosure of secret information, issuance of a means of electronic identification to an

- unauthorized person - Articles 40-45 of the Act of 5 September 2016 on Trust Services and Electronic Identification,
- xlvi. Pursuit of activities as a lender against statutory conditions, pursuit of activities as a mortgage broker without a permit, provision of additional services against regulations - Articles 76-78 of the Act of 23 March 2017 on Mortgage Loans and on Supervision over Mortgage Brokers and Agents,
  - xlvii. Pursuit of activities without authorization or permit, unauthorized use of terms indicating insurance or reinsurance distribution in the company name or advertisements - Article 89 and Article 90 of the Act of 15 December 2017 on Insurance Distribution,
  - xlviii. Article 156 and Article 157 of the Act on Anti-Money Laundering and Combating the Financing of Terrorism of 1 March 2018.

### **3. Who is screened?**

According to the Act, screening applies to persons applying for employment at the Bank (candidates) in connection with engagement for a position that meets the conditions set out in the Act, i.e. involving management of the Bank's or third party's assets, access to legally protected information, decisions carrying a high risk of loss of Bank's or third party assets, or of causing other significant damage to the Bank or third parties.

### **4. How will the criminal history be investigated?**

Job applicants are required to submit a declaration of clean criminal record in writing.

All final candidates for employment are required to document a written statement by submitting to the Hiring Manager a certificate of clean criminal record from the National Criminal Register.

### **5. Can I refuse to submit the declaration or a certificate of clean criminal record?**

Failure to submit the criminal history information (declaration or certificate) will result in denial of employment.

### **6. What are the consequences of submitting a false declaration of clean criminal record?**

If it is found that the applicant's declaration of clean criminal record is not true employment will be denied.

### **7. Should the declaration also include convictions that have been erased?**

No, erased convictions should not be included in the declaration.

## **8. How to obtain a certificate of clean criminal record?**

In order to obtain a certificate you have to:

- i. Complete the form "**personal information inquiry**" (application for a certificate)
- ii. Pay the fee for the certificate (details in point 12 below), and
- iii. Submit the application together with payment receipt at the Inquiry Office of the National Criminal Register (ul. Czerniakowska 100, 00-454 Warsaw) or at one of the information points of the National Criminal Register.

The KRK certificate may also be obtained electronically.

Information necessary to obtain a certificate of clean criminal record may be found on the website of the National Criminal Register [<https://www.gov.pl/web/gov/uzyskaj-zaswiadczenie-z-krajowego-rejestru-karnego>].

Note: The certificate should not be issued by the KRK earlier than 3 months before it is submitted to the Bank.

## **9. What information should I enter in the "personal information inquiry"**

In line: "12. Type of data which are to be provided as personal information", tick "Criminal File".

In line: "13. Scope of data subject to personal data inquiry", enter:

"Art. 3.1 of the Act on the Rules for Securing Criminal History Information on Job Applicants and Persons Employed in Financial Sector Entities (Journal of Laws 2020, Item 1349, as amended)"

## **10. What is the cost of a certificate of clean criminal record? Who pays the cost?**

Information on the amount of the fee for a certificate may be found on the website of the National Criminal Register [<https://www.gov.pl/web/gov/uzyskaj-zaswiadczenie-z-krajowego-rejestru-karnego>].

The job applicant pays the fee for the certificate.

The Bank will immediately reimburse the person who, at the Bank's request, applied to the KRK for the fee paid for the certificate.

Employed Candidates and Employees will settle the expenditure on the KRK certificate in the P2P system.

If the employment does not take place, the Hiring Manager will reimburse the unemployed Candidate the costs of the certificate to the bank account indicated by Candidate for this purpose.

## **11. What is the deadline for submitting the certificate?**

The job applicant is required to submit a declaration with a certificate of clean criminal record to the Hiring Manager before signing an employment contract or other contract forming the basis for employment with the Bank unless the Bank sets a different deadline.

**12. In what form should I submit a certificate?**

The certificate should be submitted to the Bank in a traditional (written / paper) or electronic (eKRR) form. In this situation, the Candidate sends the e-KRK to the Hiring Manager to his official e-mail in the form of a file obtained from the website of the National Criminal Register. We recommend securing the file with a password agreed with the Manager. The Candidate may also present a copy of the certificate, upon showing the original to the Hiring Manager for inspection.

**13. How long will my data be retained?**

The criminal history information will be retained for a period of:

- i. If the job applicant is not hired - 3 years;
- ii. If the person is hired - the data are deleted 5 years after the certificate was submitted.

**14. Information on the processing of personal data.**

Your personal data are processed in accordance with the information provided in the Information Clause for Job Applicants.