Privacy information sheet for credit cards and non-anonymous prepaid cards issued in Austria

PayLife

"To make it easier to read, the Privacy Information Sheet is not worded in a gender-specific manner and shall equally apply to all genders."

Herewith we inform you of the processing of your personal data and the claims and rights that you have under data protection legislation. The contents and scope of data processing are largely determined by the products and services requested by you/agreed with you.

1. Who is responsible for data processing and whom can you turn to?

The following institution is responsible for data processing:
BAWAG P.S.K. Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft ("Bank" for short)
Wiedner Gürtel 11, 1100 Vienna, Austria

Our privacy officer is available at:
GCD Department – datenschutz@bawag.at

2. Which data are processed and from which sources are these data derived?

Pursuant to Article 13 of the General Data Protection Regulation (GDPR) we process personal data that we receive from you in the framework of the business relationship. Furthermore, pursuant to Article 14 of GDPR, we process data that are not derived from you. We receive such data from

- Lists of debtors[1] (*Kreditschutzverband von 1870*, Wagenseilgasse 7, A-1120 Vienna)
- Credit inquiry agencies[2] and from the database of suspected cases maintained in the banking and financial industry (CRIF GmbH, Rothschildplatz 3/3.06.B, A-1020 Vienna)
- Sources and registers available to the public (e.g. company register, register of associations, land register, edicts archive, media)
- Courts, official authorities or persons performing public duties (e.g. Public Prosecutor's office, custody and criminal courts, financial authorities or court commissioners)
- Group companies
- In addition, we process processing results generated by ourselves.

The data pursuant to Article 13 of GDPR include:
- Your particulars (e.g. name, address, contact details, date/place of birth, citizenship)
- Identity verification data (e.g. official ID data) and authentication data
- Order data on credit cards and prepaid cards
- Data derived from the fulfillment of our contractual obligation (e.g. credit card transactions)
- Information on your financial status (e.g. creditworthiness data, scoring/rating data)
- Advertisement and sales data
- Documentation data (e.g. notes for the file)
- Register data
- Image and audio data
- Information derived from your electronic communications with the Bank (e.g. cookies)
- Data needed for the fulfillment of statutory/regulatory requirements (e.g. tax residency)

The data pursuant to Article 14 of GDPR include:
- Data derived from the fulfillment of our contractual obligation (e.g. sales data)
- Information on your financial status (e.g. creditworthiness data, scoring/rating data)
- Advertisement and sales data
- Register data
- Image and audio data
- Information derived from your electronic communications with the Bank (e.g. cookies. device and browser data)
- Data derived from courts, official authorities or persons performing public duties (e.g. fiscal offence and custody proceedings)
- Data on suspected cases relevant in terms of criminal law (in particular, facts of the case, category and type of suspected case)
- Data needed for the fulfillment of statutory/regulatory requirements
- Processing results generated by the Bank itself

3. For which purposes and on which legal basis will the data be processed?

We process your personal data in accordance with the provisions of the GDPR and of the Data Protection Act *(DSG)*.

- **For the fulfillment of contractual obligations**
  The processing of personal data shall be performed for providing and brokering financial services and, in particular, for performing the contracts that we have concluded with you and for carrying out your orders as well as all activities required for the operation and management of a credit and financial services institution. The purposes of data processing are primarily determined by the respective product (e.g. credit cards, prepaid cards, partial payment) and can, *inter alia*, include demand analyses, consulting, asset management and support, the performance of transactions as well as bonus programs. Please see the respective contractual documents and Terms and Conditions to find out about the specific details regarding the purpose of data processing.

- **For the fulfilment of legal obligations**
  The processing of personal data may be required for the purpose of fulfilling different statutory obligations (e.g. under the Banking Act, the Financial Markets Anti-Money Laundering Act, the Securities Supervision Act, the Stock Exchange Act) as well as of regulatory requirements (e.g. those enacted by the European Central Bank, the European Banking Authority, the Austrian Financial Markets Authority) to which the bank is subject in its capacity as an Austrian credit institution.

  Examples of such cases are as follows:
  - Notifications submitted to the Financial Intelligence Unit in certain suspected cases (Sect 16 of the Financial Markets Anti-Money Laundering Act)
  - Provision of information to the Financial Markets Authority pursuant to the Securities Supervision Act and the Stock Exchange Act in order to monitor compliance with the provisions regarding the market abuse of insider information
  - Provision of information to Federal tax authorities pursuant to Sect 8 of the Bank Account Register and Inspection Act
  - Provision of information to Public Prosecutor's offices and courts in the course of criminal proceedings as well as to fiscal offence authorities in the course of fiscal offence proceedings on account of an intentional fiscal offence

- **In the framework of your consent**
  To the extent that you have provided us with consent on the processing of your personal data, processing shall solely be performed pursuant to the purposes laid down in the declaration of consent and within the scope agreed therein. Consent can be revoked at any time and with future effect (e.g. you can object to the processing of your personal data for marketing and advertising purposes if you do no longer agree with processing in the future).

- **For the safeguarding of legitimate interests**
  To the extent required, data processing can be performed in the course of the balancing of interests for the benefit of the Bank or of a third party that goes beyond the actual performance of the contract in order to safeguard legitimate interests of us or of third parties. In the following cases, data are processed for the purpose of safeguarding legitimate interests:
  - Consulting and exchanging data with credit inquiry agencies, (e.g. *Kreditschutzverband 1870* in Austria) for identifying creditworthiness/default risks
  - Verification and optimization of procedures regarding demand analysis and direct customer approach; including customer segmentation and calculation of probabilities of contract conclusion.

[1] *KSV 1870* shall not apply for prepaid cards.

[2] CRIF shall not apply for prepaid cards.

- Advertisement or market research and opinion polling to the extent that you have not objected to the use of your data pursuant to Article 21 of the GDPR.
- Video surveillance for the collection of evidence in the case of criminal offences or for the provision of evidence for withdrawals and payments (e.g. at ATMs); these shall, in particular, serve the protection of customers and employees)
- Telephone recordings (e.g. in the case of complaints)
- Measures for business management and further development of services and products
- Measures for the protection of employees and customers as well as of the bank's property
- Measures for preventing and combating fraud (Fraud Transaction Monitoring), for combating money laundering, the financing of terrorism and criminal offences that may cause financial jeopardy. In this process, data (*inter alia*, transaction, device and browser data) are evaluated. These measures also serve your protection.
- Inquiries and data exchange in connection with the database of suspected cases maintained in the banking and financial industry of CRIF GmbH in order to protect us and other banks/financial institutions against possible fraud or attempted fraud/reputational damage.
- In the framework of legal prosecution.
- Guaranteeing the bank's IT security and IT operation.

4. Who will receive my data?

Within the bank, those units/employees will receive your data that need them for fulfilling the contractual, legal and regulatory obligations as well as legitimate interests. In addition, processors commissioned by us (in particular, IT as well as back office service providers and service line) shall receive your data to the extent that they need them for providing their respective service. All processors shall be contractually obligated to treat your data with confidentiality and to only process them in the framework of service provision.

If there is a respective statutory or regulatory obligation, public bodies and institutions (e.g. European Banking Authority, European Central Bank, Austrian Financial Markets Authority, financial authorities, etc.) can be recipients of your personal data.

With regard to data transfer to other third parties, we would like to note that we, in our capacity as an Austrian credit institution, are obliged to comply with banking secrecy pursuant to Sect 38 of the Banking Act and are thus obliged to secrecy regarding all customer-related information and facts that have been entrusted or made known to us on grounds of the business relationship. We are thus only allowed to transfer your personal data if you have respectively released us in advance from banking secrecy expressly and in writing or if we are obliged or authorized to such on grounds of a statutory or regulatory provision. In this context, recipients of personal data can be other credit and financial institutions or comparable institutions to which we transfer data in order to conduct the business relationship with you (according to contract, these can e.g. be correspondent banks, credit inquiry agencies, etc.)

5. Will data be transferred to a third country or international organization?

Data transfer to countries outside of the EU or of the EEA (so-called third countries) shall only be conducted to the extent that such is required for implementing your orders (e.g. for payment transactions) and prescribed by law (e.g. fiscal notification obligations) and that you have provided us with consent or in the framework of order data processing. If processors are deployed in a third country, these shall, by virtue of the agreement on EU standard contractual clauses, be obliged to comply with the data protection level applicable in Europe in addition to written instructions.

6. How long will my data be stored?

We will process your data, to the extent required, for the duration of the entire business relationship (from the initiation and performance all the way to termination of the contract) as well as after that pursuant to the statutory safekeeping and documentation obligations under, *inter alia*, the Commercial Code *(UGB),* the Federal Fiscal Code (BAO), the Banking Act *(BWG)*, the Financial Markets Money-Laundering Act *(FM-Gw G)* and the Securities Supervision Act *(WAG)*. Furthermore, the statutory periods of limitation that can, in certain cases, last until 30 years e.g. pursuant to the General Civil Code (the general period of limitation is 3 years) shall be considered with regard to the duration of retention.

7. To which data protection rights am I entitled?

You shall have the right, at any time, to access, rectification, erasure or restriction of processing of your stored data, as well as a right to object to processing as well as a right to data portability pursuant to the requirements of data protection legislation. You can file complaints with the Austrian Data Protection Authority at dsb@dsb.gv.at .

8. Am I obliged to provide data?

In the framework of the business relationship, you shall be obliged to provide the personal data that are required for starting and conducting the business relationship and to the collection of which we are obliged by law. If you fail to provide us with these data, we will, as a rule, have to refuse contract conclusion or order performance or will no longer be able to perform an existing contract and will have to terminate the latter as a consequence. Yet you are not obliged to give consent to data processing regarding data that are not relevant/not required by law and/or regulatory requirements for performing the contract.

Information on data processing pursuant to the Financial Markets Anti Money-Laundering Act *(FM-GWG)*

Pursuant to the Financial Markets Anti Money-Laundering Act *(FM-GWG)*, the credit institution is obliged, in the framework of its due diligence obligations to prevent money laundering and the financing of terrorism, to obtain and store certain documents and information from persons when constituting the business relationship or on the occasion of an occasional transaction. These data must not be processed further in a way that cannot be reconciled with these purposes. These personal data must not be processed for other purposes, such as, for example, for commercial purposes.

The credit institution shall, *inter alia*, establish and verify the identity of customers, of the beneficial owners of customers, or of trustors of the customer, if any, to evaluate the purpose pursued by the customer and the type of business relationship intended by the customer, to obtain and verify information on the origin of the used funds as well as to continuously monitor the business relationship and the transactions conducted in its framework. The credit institution shall, in particular, store copies of the obtained documents and information that are required for fulfilling the due diligence obligation described above as well as the transaction receipts and records that are required for identifying transactions.

The data processing operations conducted in the framework of the described due diligence obligations are based on a statutory obligation incumbent on the Bank; they serve the public interest This is why it is admissible that an objection lodged by the customer against these data processing operations is not taken into consideration by the Bank.

The credit institution shall erase data processed pursuant to the Financial Markets Anti Money-Laundering Act after the expiry of a retention period of 10 years unless provisions of other Federal acts require or allow for a longer retention period.