



## Data Protection Notice

With the following information we would like to give you an overview of the processing of your personal data by us and your rights under data protection law. Which data is processed in detail and how it is used depends largely on the services agreed with you. Therefore not all parts of this information will apply to you. Please also pass on the information to current and future authorised representatives and beneficial owners.

### **Who is responsible for the data processing and who can I contact in this regard?**

#### Controller:

Bank of China Limited Zweigniederlassung Frankfurt am Main Frankfurt Branch  
Bockenheimer Landstr. 24  
60323 Frankfurt

#### Contact Person:

Bank of China Limited Zweigniederlassung Frankfurt am Main Frankfurt Branch  
-Data protection officer-  
Tel: +49 (0) 30 4405 8503  
E-mail: datenschutz@bankofchina.com

### **What sources and data do we use?**

We process personal data that we receive from you in your function as authorized representative or beneficial owner of the legal entity. On the other hand, we process personal data that we have obtained and are permitted to process from publicly accessible sources (e.g. commercial and association registers, press, media, Internet).

Relevant personal data of the authorised representative or beneficial owner may be Name, address/other contact details (telephone, e-mail address), Date/place of birth, sex, nationality, marital status, legitimation data (e.g. ID card data), authentication data (e.g. specimen signature), Tax ID.

### **Why do we process your data (purpose of the processing) and on what legal basis?**

We process the aforementioned personal data in compliance with the provisions of the EU General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG):

#### **a.) for the performance of contractual or precontractual obligations (article 6 (1) b) GDPR)**

It may be necessary for us to process your personal data in order to perform a contract with you relating to our banking and financial services business, or to take steps at your request prior to entering into a contract. For

further details, please refer to your contractual documentation with us.

#### **b.) for compliance with a legal obligation (article 6 (1) c) GDPR) or in the public interest (article 6 (1) e) GDPR)**

As a bank, we are also subject to various legal obligations, i.e., statutory requirements (e.g., the German Banking Act (Kreditwesengesetz – KWG), the German Money Laundering Act (Geldwäschegesetz – GWG), the German Securities Trading Act (Wertpapierhandelsgesetz – WpHG), tax laws) as well as banking supervisory requirements (e.g., European Central Bank, the European Banking Supervisory Authority, Deutsche Bundesbank and the German Federal Financial Supervisory Authority (Bundesanstalt für Finanzdienstleistungsaufsicht – BaFin). Other purposes of processing include credit checks, identity and age verification, anti-fraud and anti-money laundering measures, the satisfaction of tax law control and reporting obligations as well as the assessment and management of risks in the bank and the Group.

#### **c.) for the purpose of safeguarding legitimate interests (article 6 (1) f) GDPR)**

Where necessary, we process your data in order to safeguard the legitimate interests pursued by us or by third party. Examples:

- Evaluating and optimising procedures for demand analysis and for approaching clients directly
- Audits
- Evaluating, bringing or defending legal claims
- Ensuring the bank's IT security and IT operations
- Preventing crimes
- Video surveillance to safeguard against trespassers, to gather evidence in the event of robbery or fraud or to document disposals and deposits
- Measures for building and systems security
- Measures to ensure against trespassing
- Measures to manage business and further develop services and products
- Group risk management

#### **d.) on the basis of your consent (article 6 (1) a) GDPR)**

Insofar as you have granted us consent to the processing of personal data for specific purposes, the lawfulness of such processing is based on your consent. Any consent granted may be revoked at any time. This also applies to the revocation of declarations of consent that are granted to us prior to the entry into force of the EU General Data Protection Regulation, i.e. prior to 25 May



2018. Please be advised that the revocation shall only have effect for the future. Any processing that was carried out prior to the revocation shall not be affected thereby.

#### **Who receives my data?**

Within the bank, those offices are given access to your data which require them in order to perform our precontractual, contractual and statutory obligations. Service Providers and vicarious agents employed by us may also receive data for these purposes if they observe banking secrecy and our written instructions under data protection law. These are companies in the categories banking services, IT services, logistics, printing services, telecommunication, collection of receivables, consultation as well as sales and marketing. With regard to the transfer of data to recipients outside the bank, it must first of all be noted that as a bank we are under a duty to maintain secrecy about any customer related facts and evaluations of which we may have knowledge (Banking secrecy under no. 2 our General Terms and Conditions). We may only disclose information about you if we are legally required to do so, if you have given your consent, if we are authorized to provide bank information and/or if processors commissioned by us guarantee compliance with banking secrecy and the provisions of the GDPR / BDSG. Under these conditions, recipients of personal data may be, for example:

- Public authorities and institutions (such as the European Central Bank, the European Banking Supervisory Agency, the German Federal Bank, the Federal Agency for the Supervision of Financial Services, tax authorities, authorities prosecuting criminal acts, family courts, land register authorities), provided a statutory obligation or an official decree is in place;
- Other loan and financial services institutes or comparable institutes to whom we transmit your personal data for the purpose of performing transactions under our business relationship (depending on the agreement, for example, correspondent banks, information bureaus);
- Other bodies belonging to Bank of China Group for the purposes of risk management on the basis of statutory or official obligations;

Other recipients of data may be those bodies for which you have given us your consent to data transfer or, respectively, for which you have granted an exemption from banking secrecy on the basis of an agreement or

consent or to which we may transfer personal data on the basis of the balancing of interests.

#### **Will the data be transferred to a third country or an international organization?**

Data transfer to bodies in states outside the European Union (so-called third countries) will take place to the extent

- This is required to carry out your orders (such as payment or securities orders);
- It is required by law (such as obligatory reporting under tax law) or you have given your consent.

Moreover, transfer to bodies in third countries is intended in the following cases:

Your personal data will be processed in our IT-center in the People's Republic of China in compliance with the EU General Data Protection Regulation by agreeing to the EU standard contractual clauses (Article 46 (5) sentence 2 GDPR).

#### **For how long will my data be stored?**

We process and store your personal data as long as this is required to meet our contractual and statutory obligations. In this respect, please keep in mind that our business relationship is a continuing obligation designed to last for years.

If the data are no longer required for the performance of contractual or statutory obligations, these will be erased on a regular basis unless temporary further processing is necessary for the following purposes:

- Compliance with obligations of retention under commercial or tax law which, for example, may result from the German Commercial Code (HGB), the German Fiscal Code (AO), the German Banking Act (KWG), the German Law on Money-Laundering (GwG) and the German Law on Trading in Securities (WpHG). As a rule, the time limit specified there for retention or documentation is 2 to 10 years
- Preservation of evidence under the statutory regulations regarding the statute of limitations. According to Sec. 195 ff of the German Civil Code (BGB), these statutes of limitations may be up to 30 years, the regular statute of limitation being 3 years.



### What are my rights with regard to data protection?

Every data subject has the right of access pursuant to Article 15 GDPR, the right to rectification pursuant to Article 16 GDPR, the right to erasure pursuant to Article 17 GDPR, the right to restriction of processing pursuant to Article 18 GDPR, the right to object pursuant to Article 21 GDPR and the right to data portability pursuant to Article 20 GDPR. As far as the right to obtain information and the right to erasure are concerned, the restrictions pursuant to Sec. 34 and 35 BDSG are applicable. Moreover, there is a right to appeal to a competent data protection supervisory authority (Article 77 GDPR in conjunction with Sec. 19 BDSG).

Your consent to the processing of personal data granted to us may be revoked at any time by informing us accordingly. This also applies for the revocation of declarations of consent given to us before the effective date of the GDPR, i.e. before 25 May 2018. Please keep in mind that such revocation will be effective only for the future with no impact on processing carried out before the date of revocation.

### Am I obliged to provide data?

Within the scope of our business relationship with the legal entity you represent towards us, you must provide us with those personal data that is necessary for the acceptance and execution of a representation/authorization and the fulfillment of the contractual obligations or which we are legally obliged to collect. Without this data, we will usually have to reject you as an authorised representative / beneficial owner or cancel an existing authorised representative / beneficial owner.

Under the statutory regulations in connection with money laundering, we are especially obliged to identify you by an ID document before entering into business relations with you and, especially, to ask for and record your name, place of birth, date of birth, nationality, address and identity card details. So as to enable us to comply with these statutory obligations, you are obliged to provide the necessary information and documents in connection with the anti-money laundering law and to report any changes that may occur in the course of our business relationship. If you should fail to provide the necessary information and documents, we are not permitted to enter into the desired business relationship or to continue with such a relationship.

### To what extent will decision-making be automated?

As a matter of principle, we do not use fully automated decision-making processes pursuant to Article 22 GDPR for establishing and performing a business relationship. In the event that we should use such processes in individual cases we will inform you of this and of your rights in this respect separately if prescribed

by law.

### To take place profiling?

Your data will be processed automatically in part with the objective of evaluating certain personal aspects (profiling). For example, we will use profiling of the following cases:

- As a result of statutory and regulatory regulations, we are obliged to fight money laundering, the financing of terrorism and criminal acts jeopardizing property. In that respect, data (among others, data in payment transactions) will be analyzed. These measures also serve to protect you.
- In connection with the assessment of your credit-worthiness we use scoring. By scoring the probability of a client meeting his/her contractual payment obligations is calculated. This calculation, for example, may take into account a client's income and expenditures, existing financial obligations, the profession, employer, time of employment, previous experience from the business relationship, due redemption of earlier loans as well as information from credit bureaus. Scoring is based on a proven and recognized mathematical-statistical method. The resulting score values assist us in decision-making in connection with product transactions and will become part of the ongoing risk management.

### Information about your right to object pursuant to Article 21 GDPR

#### 1.) Right to object to processing data for the purpose of direct marketing

In individual cases, we will process your personal data for the purpose of direct marketing. You have the right to object at any time against the processing of your personal data for the purposes of such marketing; this also applies for profiling to the extent it is connected to such direct marketing.

If you do object to processing for the purposes of direct marketing, we will refrain from using your personal data for such purposes henceforth.

#### 2.) Right to object based on individual cases



You have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you which is based on point (e) of Article 6 (1) (data-processing in the public interest) and point (f) of Article 6 GDPR (data-processing on the basis of the balancing of interests); this also applies for profiling as defined in Article 4 point 4 GDPR. If you do object, we will no longer process your personal data unless we have compelling justified reasons for such processing which take precedence over your interests, rights and freedom or, alternatively, such processing serves to assert, exercise or defend legal claims.

**Recipient of an objection:**

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Bockenheimer Landstr. 24  
60323 Frankfurt  
E-Mail: [datenschutz@bankofchina.com](mailto:datenschutz@bankofchina.com)