

## Information on Data Processing in accordance with Art. 13 and 14 GDPR (General Data Protection Regulation)

We wish to inform you about the processing of your personal data and your entitlements and rights under data protection legislation. The scope and content of data processing largely depend on what products and services are requested by you and/or agreed with you.

To ensure that this information is presented in a manner that is transparent, comprehensible and clear to you, we have designed this information sheet in the form of a set of questions and answers.

### 1. Who is responsible for data processing and whom can you contact?

The following company is responsible for data processing:

Oesterreichische Entwicklungsbank AG (OeEB)

Strauchgasse 1-3

1010 Vienna

Telephone: +43 1 533 1200-0

Fax: +43 1 533 1200-5252

E-Mail: [office@oe-eb.at](mailto:office@oe-eb.at)

The Data Protection Officer of OeEB is:

Harald Sommer

Strauchgasse 3

1010 Vienna

Telephone: +43 1 53 127 -2366

E-Mail: [dataprotection@oe-eb.at](mailto:dataprotection@oe-eb.at)

### 2. What data will be processed and where will this data be sourced?

We will process personal data that we receive from you within the framework of our business relationship. We will also process data that we have legitimately received from credit agencies (e.g. World-Check in relation to legal obligations pursuant to the Financial Markets Anti-Money Laundering Act [Finanzmarkt-Geldwäschegesetz]) and/or debtor registers (KSV1870 Holding AG, etc.) as well as from publicly accessible sources (e.g. commercial register, register of beneficial owners, register of associations, land register, the media).

Personal data includes your personal particulars (name, address, contact details, date and place of birth, nationality, etc.), identity verification data (e.g. ID card data) and authentication data (e.g. sample signature). In addition, personal data may also include contract data, data from the fulfilment of our contractual obligation, information on your financial status (e.g. creditworthiness data, etc.), advertising and sales data, documentation data (e.g. consultation records), register data, image and sound data (e.g. photographs, video or telephone recordings), information from your electronic traffic with the bank (e.g. apps and cookies, etc.), processing results which the bank itself generates, and data for compliance with statutory and regulatory requirements.

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

We will adhere strictly to data protection regulations when processing your personal data.

#### 3.1 Zur Erfüllung von vertraglichen Pflichten (Art. 6 Abs. 1 lit. b DSGVO):

Personal data will be processed (Art. 4(1) and (2) GDPR) in order to provide banking transactions (especially the longer-term loan financing of sustainable investments), to implement measures (e.g. of the Federal Government) to support the preparation and implementation of private sector projects in developing countries, to provide services for Austrian companies, for evaluations and fiduciary participations in companies and private equity funds in favour of the Federal Government, as well as for associated activities, especially to perform our contracts with you and to execute your requests or project proposals (e.g. under the Export Promotion Act [Ausfuhrförderungsgesetz – AusfFG]), as well as all activities required with a view to the operation and management of a credit institution and as a development bank on behalf of the Republic of Austria.

The purposes of data processing are primarily dictated by the specific product (e.g. loan financing, business advisory services, equity participation, etc.) and may include needs analyses, consulting and the performance of transactions.

Specific details relating to the purpose of data processing can be found in the respective contract documents.

#### 3.2 To fulfil legal obligations (Art. 6 (1)(c) GDPR):

Personal data may be processed for the purpose of fulfilling various legal obligations (e.g. under the Banking Act [Bankwesengesetz – BWG], Financial Markets Anti-Money Laundering Act [Finanzmarkt-Geldwäschegesetz – FM-GwG] on the prevention of money laundering and terrorist financing, Securities Supervision Act [Wertpapieraufsichtsgesetz – WAG], Stock Exchange Act [Börsegesetz – BörseG], Market Abuse Regulation [Marktmissbrauchsverordnung – MAR], etc.) as well as regulatory requirements (e.g. of the European Central Bank, the European Banking Authority and the Austrian Financial Market Authority [Österreichische Finanzmarktaufsicht – FMA], etc.) which are imposed on us as an Austrian bank. Examples of these situations are:

- Reports to the Austrian Financial Investigation Unit [Geldwäschemeldestelle] in certain suspicious cases (Section 16 FM-GwG)
- Provision of information to the FMA in accordance with WAG, MAR and BörseG, e.g. to monitor compliance with the provisions relating to the market abuse of insider information;
- Provision of information to financial crime authorities within the framework of criminal proceedings for a deliberate financial crime;
- Provision of information to federal tax authorities pursuant to Section 8 of the Account Register Act [Kontenregister- und Konteneinschaugesetz].

#### 3.3 Within the framework of your consent (Art. 6(1)(a) GDPR):

In the context of consent to the processing of your personal data, processing will take place only in accordance with the purposes set out in the declaration of consent and to the extent agreed therein. Once you have given your consent, you can revoke it at any time with effect for the future (e.g. you can object to the processing of your personal data for marketing and advertising purposes if you no longer agree to such processing for the future).

### 3.4 To protect legitimate interests (Art. 6(1)(f) GDPR):

If and to the extent that is necessary and after balancing interests in favour of OeEB or a third party, data may be processed beyond the actual performance of the contract in order to protect our legitimate interests or those of third parties. Situations in which data is processed to protect legitimate interests include the following:

- Consultation of and data exchange with credit agencies (e.g. KSV1870 in Austria) to identify creditworthiness and/or default risks;
- Examination and optimisation of procedures for analysing needs and approaching customers directly;
- Advertising or market and opinion research unless you have objected to the use of your data pursuant to Art. 21 GDPR;
- Telephone recordings (e.g. in treasury);
- Measures to manage transactions and enhance products and services;
- Measures to monitor emergency escape routes to protect employees, customers and the property of the bank (including video surveillance for collating evidence in the event of criminal offences, e.g. in the vault);
- Measures to prevent and combat fraud;
- Within the framework of legal proceedings

### 4. Who will receive my data?

Your data will be received only by those bodies or employees within OeEB who or which require it to fulfil contractual, legal and regulatory obligations and to serve legitimate interests. In addition, processors engaged by us (particularly IT and back office service providers) will receive your data if and to the extent that they require it in order to provide their respective service. All processors will be placed under a corresponding contractual obligation to keep your data confidential and only to process them within the framework of the provision of their service.

Public bodies and institutions (e.g. European Banking Authority, European Central Bank, Austrian Financial Market Authority, financial authorities, Austrian ministries etc.) as well as Oesterreichische Kontrollbank AG as our parent company may be recipients of your personal data in case of a statutory or regulatory obligation or other legal arrangement, as well as within the scope of your consent.

To perform our duties as a development bank on behalf of the Republic of Austria, such as the longer-term financing of sustainable investments in developing countries as well as other projects, contractual and business partners (potentially) involved in or during the project (e.g. European and multilateral development banks, international organisations etc.) as well as consultants that are retained, amongst others, for reasons of general diligence or project implementation (e.g. local and international law firms), within and outside the European Economic Area, may receive some of your data, if they require the same, for instance, to perform their respective service (e.g. preparation of legal documentation for syndicated loans), or for the purpose of implementing a project with you.

In addition, we would also like to draw your attention to the fact that OeEB, as an Austrian bank, is obliged to adhere to banking secrecy pursuant to Section 38 BWG and therefore to maintain the confidentiality of all customer-related information and facts that are entrusted to us or made accessible to us on the basis of the business relationship. We are therefore only permitted to pass your personal data on to third parties if you have explicitly relieved us of our banking secrecy obligations beforehand in writing for this purpose or if we are obliged or authorised to do so by law and/or regulatory requirements. In this context, recipients of

personal data may be other banks and financial institutions or similar establishments to which we transmit data in order to fulfil the business relationship with you (depending on the contract, these may be correspondent banks or credit agencies, etc.). In connection with the Export Promotion Act, we also draw your attention to the fact that everyone involved in the handling and evaluation of liability assumption requests is obliged, pursuant to Section 5(6) of the Export Promotion Act, to maintain the confidentiality of any official, business and trade secrets that come to their knowledge in the performance of this activity.

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

We will process your personal data, if and to the extent that is necessary, for the duration of the business relationship from the (pre-contractual) initiation of a contract to its processing and through to its completion as well as pursuant to statutory retention and documentation obligations as set out in, for example, the Business Code [Unternehmensgesetzbuch – UGB], Federal Tax Code [Bundesabgabenordnung – BAO], BWG, and FM-GwG, and as derived from OeEB's role as a development bank on behalf of the Federal Government pursuant to the AusfFG.

Furthermore, with regard to the duration of storage, we must respect the statutory limitation periods which, e.g. in accordance with the Austrian Civil Code [Allgemeines Bürgerliches Gesetzbuch – ABGB], can amount to 30 years in general (it is only 3 years in certain cases).

## **6. What data protection rights do I have?**

You have a right to access, rectification, erasure or restriction of the processing of your stored data, a right to object to the processing and a right to data portability in accordance with the prerequisites of data protection law. You can lodge any complaints to the Austrian Data Protection Authority [Österreichische Datenschutzbehörde] ([www.dsb.gv.at](http://www.dsb.gv.at)).

## **7. Am I obliged to provide data within the framework of the business relationship?**

You are only obliged to provide personal data that are necessary for the assumption and performance of the business relationship and which we are obliged by law to collect. If you do not make this information available to us, we will have to refuse to conclude the contract or to execute the order, as a rule, or we will no longer be able to perform an existing contract and must therefore terminate it. However, under no circumstances are you obliged to make any data available to us which is not relevant to the performance of the contract or which is not required by law and/or for regulatory reasons.

## **8. Is there any automated decision-making, including profiling?**

We do not use any automated decision-making processes pursuant to Art. 22 GDPR to arrive at a decision on the establishment and performance of the business relationship.