

Date: 25.05.2018

As part of our principles of fair and transparent data processing we would like to inform you about the specific circumstances of how we process personal data relating to you.

## **A) Controller of data processing**

Accountable Controller according to and in line with data protection regulations:

DEG - Deutsche Investitions- und Entwicklungsgesellschaft mbH

Kämmergasse 22

D-50676 Köln

Telephone: + 49 221 4986-0

Telefax: + 49 221 4986-1290

Hereinafter referred to as: DEG

## **B) Details and mandatory information regarding processing activities**

### **B.1) What is the purpose and legal basis of processing?**

DEG collects and processes personal data in its financing business in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG):

- For the fulfilment of contractual obligations:  
The processing of data takes place for the provision of bank business and financial services as part of the performance of our contracts or for the performance of pre-contractual measures which take place on request. The purposes of data processing depend on the specific financing project and can include, among other aspects, analyses of the economic viability and social effects of the investment, consulting and transaction execution.
- Based on a balance of interests in accordance with Art. 6 Paragraph 1 (f) of the GDPR  
If required we shall process your data beyond the actual fulfilment of the contract safeguarding legitimate interests of DEG or third parties. This could include for example:
  - Advertising or marketing and opinion research, unless you opt out to the use of your data;
  - Filing and defending claims in the event of legal disputes;
  - Prevention and investigation of criminal offences;
  - Business management and risk management measures;
  - Based on your consent (Art. 6 Paragraph 1 (a) of the GDPR).

- If you have granted us consent for the processing of personal data for specific purposes, , the processing shall be deemed lawful on the basis of this consent.
- Based on legal requirements or in the public interest.

Furthermore, as a bank we are subject to various legal obligations/legal requirements, e.g. German Banking Act (*Kreditwesengesetz*), Money Laundering Act (*Geldwäschegesetz*), Securities Trading Act (*Wertpapierhandelsgesetz*), tax laws, as well as banking regulatory guidelines, e.g. of the European Central Bank, the European Banking Authority, the German Central Bank and the Federal Financial Supervisory Authority.

Therefore the purposes of processing shall also include, among other aspects, credit analysis, the verification of age and identity, the prevention of fraud and money laundering, the fulfilment of monitoring and notification obligations under tax laws as well as the assessment and management of risks of DEG.

## B.2) Which personal data is processed and where does it come from?

DEG processes personal data which they

- have received from their customers in the course of the business relationship,
- have gathered from publicly available sources (e.g. commercial register, press, internet),
- have received with consent from the data subject,

or which is legitimately transmitted to us by other companies or by other third parties.

Personal data collected and processed in this context is mainly:

- Personal details (name, address and other contact details, date of birth and place of birth and nationality, position (if required))
- Identity details (e.g. ID card data)
- Authentication data (e.g. specimen signature)

## B.3) Which recipients will receive the aforementioned personal data?

Access to your data within DEG will be granted to all departments which require your data for the fulfilment of our contractual and legal obligations. Contracted service providers and vicarious agents may also receive data for these purposes.

Such companies are from the fields of

- Banking industry services
- Consulting
- Sales and marketing

With regard to data transmission to recipients outside of DEG it must be noted that as a bank we have committed ourselves to maintain strict confidentiality about all customer-related facts of which we have gained knowledge (banking secrecy).

We are only allowed to pass on such information if other legal provisions require us to do so, if you have consented to it, or if we are authorised to issue a banker's reference/status report.

These facts given recipients of personal data could be, for example:

- Public bodies and institutions (e.g. German Central Bank, Federal Financial Supervisory Authority, European Banking Authority, European Central Bank, fiscal authorities, law enforcement authorities) if a legal or official obligation exists;
- Other credit and financial services institutions or comparable institutions to which we transfer your personal data for the performance of the business relationship (depending on the contract e.g. correspondent banks, custodian banks).

Other data recipients could be agencies for which you have granted us your consent to the transmission of data or for which you have exempt us from banking secrecy by agreement or consent.

If one of the aforementioned recipients of personal data processes data on behalf of DEG, this shall only take place on the basis of reasonable contractual agreements transferring the data protection obligations imposed on DEG to the recipient as well.

If the data is made available to one of the aforementioned recipients in a manner that they themselves are to be held responsible for the further data processing, reasonable contractual measures for the protection of your data shall also be taken in this case and the transmission shall only take place if it is legally justified.

#### B.4) Is personal data transmitted to a third country or an international organisation?

A data transmission to agencies and institutions in countries outside the European Union and the European Economic Area (third countries) will take place, if:

- it is required as part of the financing business (e.g. payment and securities orders),
- it is required by law (e.g. notification obligations under tax laws),

or, in other cases, you have granted us your consent.

A transmission is permitted if the European Commission decides that an adequate level of protection exists in a third country. If the Commission has not made such a decision, DEG or any contracted service provider must not transfer personal data to a third country or an international organisation unless suitable guarantees have been provided for (e.g. standard data protection clauses which are adopted in a certain procedure by the Commission or the supervisory authority) and enforceable rights and effective legal remedies are available.

Outside Europe, DEG acts through its representative offices and uses the facilities of modern information and communication systems for the exchange of information with them.

If such communication contains personal data it shall be classified as a transfer to a third country.

It takes place, provided none of the exceptions provided for by law can be invoked, on the basis of suitable contractual provisions offering comparable levels of data protection guarantees for the protection and the exercising of your personal rights to those of the EU. The contractual provisions will be available on request from the [data protection officer](#).

In order to obtain an overview of the current representative offices, please click [here](#).

For a list of countries which offer a level of data protection comparable to the European Union and for which the aforementioned adequacy decision has been adopted, please click [here](#).

DEG uses service providers for certain tasks, who also usually use service providers who might have their company headquarters, parent company or data centres in a third country. DEG has contractually agreed with these service providers that basic data protection principles in compliance with the European level of data protection shall always be concluded with these indirect contract partners.

#### B.5) How long will the aforementioned personal data be stored?

DEG processes and stores your personal data for as long as it is required for the fulfilment of the contractual and legal obligations.

If the data is no longer required for the fulfilment of contractual or legal obligations, it shall be regularly deleted.

Temporary further processing of data can be necessary in the following cases, preventing the aforementioned deletion:

- The fulfilment of retention requirements under commercial law and tax law in accordance with the German Commercial Code (HGB), the German Fiscal Code (AO), the German Banking Act (KWG), the Money Laundering Act (GwG) and the Securities Trading Act (WpHG). The stipulated periods for retention or documentation in these cases are two to ten years;
- The preservation of evidence as part of the statutory rule on limitation periods. According to the German Civil Code (BGB) the limitation period can be up to 30 years, although the indicative period is three years.

#### B.6) Is there an obligation to provide the aforementioned personal data?

As part of the establishment of a business relationship you must provide the personal data which is required for establishing and sustaining a business relationship and the fulfilment of the associated contractual obligations, or that we are legally obligated to collect. Without this data we will generally not be able to close or execute the contract with you or your company. In particular, in accordance with money laundering regulations, we are obligated to identify you before the establishment of the business relationship on the basis of your ID document and collect and record your name, place of birth, date of birth, nationality, address and ID card data.

In order to be able to meet this legal obligation, you must, in accordance with the Money Laundering Act (Geldwäschegesetz), provide us with the necessary information and documents and immediately report changes which arise in the course of the business relationship. If you do not provide us with the required information and documents, we may not establish or continue the business relationship desired by you or your company.

### B.7) Does DEG use means of automated decision making?

No, DEG does not use such processes in the establishment and management of its business relationships.

### B.8) Does profiling take place?

We partially process your data in an automated manner with the objective of evaluating specific personal aspects (profiling). For example, we use profiling in the following cases:

- due to legal and regulatory requirements in order to combat money laundering, the financing of terrorism and offences risking a loss of assets. We might apply data analytics to gain this objective. These measures, however, may also protect you.

### C) Your rights

You have the right to obtain information about the data which is stored about you. If you deem this data to be wrong or no longer required because the original purpose for which you provided us with your data expired, you have the right to claim rectification or deletion or restriction of processing. We shall inform you separately about the specific circumstances of the process after submitting your application. The application, which does not require a specific form, can be submitted to the data protection officer by email/post via the contact details named below.

Furthermore, there is also the right to file a complaint with the relevant data protection supervisory authority.

### D) Data processing based on your consent

A consent to data processing that you have granted to DEG may be revoked at any time.

This shall also apply to the revocation of declarations of consent which have been granted before the General Data Protection Regulation came into effect, thus before 25 May 2018.

The revocation, which does not require a specific form, may be sent by email/post for the attention of the data protection officer via the contact details named above.

Please note that a revocation is only effective for the future from the date of issue. Processing which has been carried out before the revocation shall remain unaffected.

### E) Information regarding your right to object in accordance with Article 21 of the General Data Protection Regulation (GDPR)

#### E.1) Case-by-case right to object

You have the right to object, based on grounds relating to your particular situation, at any time to the processing of personal data concerning you and resting upon Article 6 Paragraph 1 letter e of the GDPR (data processing in the public interest) and Article 6 Paragraph 1 letter f of the GDPR (data processing based on a balance of interests); this shall also apply to profiling based on the above provisions.

If you object, your personal data shall no longer be processed by DEG. This shall not apply if DEG can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms, or the processing is required for the establishment, exercise or defence of legal claims.

## E.2) Right to object to the processing of data for direct marketing purposes

In individual cases we shall process your personal data for direct marketing purposes. You have the right to object at any time to the processing of personal data relating to you for the purpose of such marketing; this shall also apply to profiling to the extent that it is related to such direct marketing.

If you object to processing for direct marketing processes, your personal data shall no longer be processed by DEG for such purposes.

The objection in accordance with E.1) and/or E.2), which does not require a specific form, can be sent by email/post to the data protection officer via the contact details named below.

If you have any questions which concern the handling of your personal data, you can contact our data protection officer at any time.

DEG - Deutsche Investitions- und Entwicklungsgesellschaft mbH

FAO the Data Protection Officer

Kämmergasse 22

D-50676 Köln

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