

# Personal Data Processing Policy

In accordance with Article 13(1)(2) and Article 14(1)(2) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the "GDPR") to be effective from 25 May 2018, we are providing you with information about the method and purpose of the processing of your personal data (the "Data") and your personal data protection-related rights.

## 1. Who is responsible for data processing? Whom should I contact?

The controller of your data is Santander Bank Polska S.A. (the "Bank"). You may contact the Bank:

- in writing to the following address: Santander Bank Polska S.A., Robotnicza 11, 53-607 Wrocław,
- by telephone at: 1 9999, 781 119 999 (calls from Poland) or at +48 61 81 1 9999 (calls from abroad),
- by e-mail at kontakt@santander.pl or using any other method indicated at www.santander.pl.

The Bank designated its data protection officer whom you may contact in writing at the following address: Santander Bank Polska S.A., Robotnicza 11, 53-607 Wrocław "Inspektor ochrony danych" and by e-mail at iod@santander.pl

**In order to submit your application and exercise your rights, please contact the Bank through the communication channels indicated in point 6.**

## 2. What is the reason, purpose and legal basis for the processing of your data?

We are processing your data in accordance with the GDPR R and Poland's data protection regulations.

We are doing this because:

- it is necessary for the performance of the contract (Article 6(1)(b) of the GDPR),
- it is necessary for compliance with a legal obligation (Article 6(1)(c) of the GDPR),
- it is necessary for the public interest (Article 6(1)(e) of the GDPR).

What does this mean?

- a) Data are processed for the purpose of providing banking, brokerage and other financial services necessary for the performance of a contract to which the client is party or in order to take steps at the request of the client prior to entering into a contract.
- b) As a Bank, we have to comply with a number of legal obligations arising from documents such as the Polish Banking Act, the Financial Instruments Trading Act, the Mutual Funds and Alternative Funds Management Act, the Anti-Money Laundering and Terrorism Financing Act, the Payment Services Act, relevant tax legislation and regulatory requirements (issued by institutions such as the European Central Bank, the European Banking Authority or the Polish Financial Supervision Authority). We may also be obligated to perform certain tasks in the public interest, especially for the purpose of fraud prevention, including prevention of money laundering and terrorism financing. If required, we will be processing your data to comply with the requirements arising from such regulations.
- c) Your data may also be processed for the following purposes: repayment capacity assessment, credit risk analysis, verification of the identity of clients or their representatives, compliance with monitoring and reporting obligations arising from tax legislation and risk management standards, prevention of misselling where clients are offered products that are not suitable for their needs or assessment of investment knowledge in financial instruments.

It is important to note that:

- We are processing data if it is necessary for the purposes of the legitimate interests pursued by the Bank or by a third party (Article 6(1)(f) of the GDPR),

We are doing this for the following purposes, e.g. processing of data of individuals acting on our clients' behalf, prevention of fraud against banks, credit institutions, financial institutions, lenders, payment services providers and their clients, ensuring our Bank's IT security; or for customer satisfaction survey purposes, claims management and defence, direct marketing of the products and services offered by the Bank and its subsidiaries within Santander Bank Polska Group<sup>1</sup>, as well as other entities for which the Bank provides services under separate agreements or for internal administrative purposes of the Bank such as credit portfolio analysis or for internal statistical and reporting purposes within the Bank and its capital group.

<sup>1</sup> Santander Bank Polska Group shall be understood as Santander Bank Polska S.A. and its subsidiaries, including its future members. For the list of subsidiaries see: [www.santander.pl](http://www.santander.pl).

- We are processing your data based on your consent (Article 6(1)(a) of the GDPR) given for one or more specific purposes (e.g. data transfer within Santander Bank Polska Group).

**You shall have the right to withdraw your consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.**

### 3. Whom may we disclose data to?

Your data may be disclosed to other recipients for the purpose of the performance of a contract with you, for compliance with a legal obligation of the Bank, based on your consent to the processing or for the purposes of the legitimate interests pursued by the controller or by a third party.

Such recipients may especially include the following parties: authorized employees of the Bank, the Polish Financial Supervision Authority (KNF), the Polish government's Ministry of Finance, including the General Inspector for Financial Information, Poland's credit information bureau (BIK S.A.), the Polish national securities depository institution (KDPW S.A.), Poland's National Clearing Chamber (KIR S.A.) and other clearing chambers, the Polish Bank Association (ZBP), business information bureaus, other banks, credit and payment institutions, participants in payment systems, investment firms, insurance companies, mutual funds, entities engaged in public offering of securities and other institutions legitimately authorized to receive your data under relevant regulations, Santander Bank Polska Group's members or Santander Group's units.

Data are also transferred to processors carrying out the processing on behalf of the Bank and to their authorized employees. Processing by a processor is governed by a contract with the Bank and is carried out only based on documented instructions from the Bank and subject to a confidentiality commitment (applies to bank secrecy, professional secrecy and insurance data secrecy under an appropriate statutory obligation of confidentiality). Entities carrying out specific activities on behalf of the Bank include banking, investment, IT and agency service providers.

### 4. Will your data be transferred to a third country (outside the EU)?

Data are transferred to recipients in countries outside the European Union (the "Third Countries"), if such a transfer is necessary for the performance of an agreement between the third country and the Bank, e.g. for the purpose of payment orders or securities buy/sell instructions. Other transfers of data to third countries will be governed by separate documents. A copy of the personal data transferred to a third country may be obtained upon your request submitted to the Data Protection Officer.

A transfer of personal data to a third country may also take place when you explicitly consented to the proposed transfer. Then, your data will be transferred to a third country in accordance with Article 49(1)(a) and Article 49(1)(b) of the GDPR.

### 5. What is the period for which the data are processed (stored)?

Your data will be processed for a period necessary to achieve the purposes of processing indicated in point 2, i.e.:

- if the processing is necessary for the purpose of the performance of a contract – by the contract's termination date and then, upon its termination, for the period required under relevant regulations or required for potential claims management;
- if the processing is necessary for compliance with a legal obligation to which the Bank is subject due to activities pursued by the Bank and performance of contracts – by the time such obligations are fulfilled by the Bank;
- if the processing is based on your explicit consent immediately upon your request for the data to be deleted;
- by the time the legitimate interests pursued by the Bank are complied with or by the time you have refused to the processing unless there are legitimate grounds for further processing of the data.

### 6. What are your rights with regard to the protection of personal data ?

You have the following rights:

- The right of access or rectification, restriction of processing or erasure of your data;
- The right to withdraw your prior consent to data processing to the extent provided in the consent, the withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal;
- The right to request that your data provided to the Bank and processed for the purpose of the performance of a contract or on the basis of a consent should be transmitted. With respect to the transmission, you should be allowed to receive from the Bank your personal data in a structured, commonly used, machine-readable and interoperable format, and to transmit it to another controller, if technically possible. This right does not apply to the data which are subject to the Bank's professional obligation of secrecy;

**For the transfer of data due to other legal regulations, such as the Banking Law, it may be required to obtain the client's consent to disclose the data covered by banking secrecy or to meet other conditions required by these regulations. Applications for the implementation of rights may be submitted by the client in writing at a branch of the Bank or by correspondence.**

- The right to lodge a complaint to the supervisory authority, namely the Head of the Personal Data Protection Office (Prezes Urzędu Ochrony Danych Osobowych) if you think that the processing of your data is not in compliance with the GDPR.

**You may exercise the right to object to the processing at any time:**

- on grounds relating to your particular situation, if the processing is carried out by the Bank for the purposes of the legitimate interests (Article 21(1) of the GDPR),
- where personal data are processed for direct marketing purposes, which includes profiling to the extent that it is related to such direct marketing (Article 21(2) of the GDPR).

**If you want to exercise your rights, please submit an appropriate request through the selected channel of contact with the Bank, ie: an application submitted by correspondence (address: Santander Bank Polska S.A., Robotnicza 11, 53-607 Wrocław), in the electronic banking service, via the infoline or at a branch of the Bank.**

The Bank may request the provision of additional information necessary to confirm your identity for you to be able to exercise your rights.

## 7. Are you required to provide data?

When the processing of your data is necessary for entering into, or performance of, a contract between you and the Bank, you have to provide data for the contract to be made. The provision of data is voluntary, yet required for entering into a contract with the Bank and for the contract to be performed. In the framework of the anti-money laundering and terrorism financing, we have a particular obligation to verify your identity and to collect and record information concerning you. For us to be able to meet such requirements, Bank have to be provided with the required information and documents and Bank should be immediately notified of any changes thereto. If you do not provide the Bank with the required information and documents, Bank will neither be able to enter into or perform a contract with you nor to provide you with our services.

## 8. Where are your data sources and categories?

- The majority of data processed by the Bank come directly from customers;
- Some of them may come from sources such as business information bureaus, Poland's credit information bureau (Biuro Informacji Kredytowej S.A.), Polish Banks Association (ZBP), the electronic land registry system (SEKW), entities given your consent for the data processing, or your attorneys; these sources may contain the following types of data: customer identification data, contact data, socio-demographic characteristics (e.g. employment, education, marital status) or information about customers' debts;
- Some of the data -applies to businesses – are obtained from other sources, i.e. Poland's National Court Register (KRS), Central registration and Information on Business (CEIDG) or similar sources in other countries and from private businesses which collect and disclose information about businesses;
- When it comes to individuals who represent business customers or act on their behalf in any other capacity, we either get them from the abovementioned sources or directly from such business customers.

## 9. What is the extent to which we use automated decision-making, including profiling?

Your data may be processed by automated means which may involve automated decision-making. This solution applies to:

- Your repayment capacity assessment prior to entering into a contract with the Bank, if the assessment is based on: information/data stated in an application for a service or product offered by the Bank; information about you that is in the Bank's possession in relation to the products and services used by you; information obtained in the course of the repayment capacity assessment (e.g. reports furnished by Poland's credit information bureau (Biuro Informacji Kredytowej S.A.), business information bureaus and inter-bank lists of restricted entities). The assessment is based on pre-defined rules and algorithms and is an element of the repayment capacity assessment process designed and approved by the Bank. The assessment may result in: automatic approval for a contract, automatic refusal of a contract or an individual decision made by the Bank;
- Assessment of the criteria/conditions for the Bank's decision to provide certain services, if the assessment is based on information about customer activity being in the Bank's possession, transfers made to their bank accounts, balances in their bank accounts or investment products. The conditions are set out in product documentation, e.g. a contract or terms & conditions for a product. The assessment may result in: automatic approval for certain services to be provided, automatic refusal of certain services to be provided or an individual decision made by the Bank;
- Assessment of the money laundering risk, terrorism financing and fraud risk, if the assessment is based on data provided in documents presented upon entering into a contract or upon a transaction instruction based on pre-defined criteria (economic, geographic, behavioural). The assessment results in automated risk classification; an unacceptable risk classification may result in an automated decline and no relationship. For the purpose of this assessment we carry out data analyses (e.g. of your payment transactions), also to ensure your security.

In addition, your data may be processed partly by automated means to evaluate certain personal aspects (profiling). This solution is used to provide you with appropriate information about products, we use analytical solutions (e.g. market research, customer satisfaction surveys). For example, such assessments are based on the following factors: level of income, expenses, existing liabilities, occupation, employment period, etc.

## 10. Data transfer to Biuro Informacji Kredytowej (Poland's credit information bureau)

Your data may be transferred by the Bank to Biuro Informacji Kredytowej S.A. (the "BIK") based in Warsaw. It results from Article 105(1) (1c) and Article 105 (4) of Poland's Banking Act of 29 August 1997. As a result of this fact, the BIK becomes the data controller of your personal data jointly with the Bank. For more details on the BIK's data processing, see below:

- a) The data controller is Biuro Informacji Kredytowej S.A. based in Warsaw, address: Jacka Kaczmarskiego 77a, 02-679 Warszawa.
- b) You may contact the BIK by e-mail: kontakt@bik.pl or in writing (Centrum Obsługi Klienta BIK S.A., Postępu 17A, 02-676 Warszawa). The BIK has its data protection officer whom you may contact by e-mail: iod@bik.pl or in writing (Inspektor Ochrony Danych, Centrum Obsługi Klienta BIK S.A., ul. Postępu 17A, 02-676 Warszawa). All matters related to data processing or exercising of rights with regard to the processing may be referred to the data protection officer.
- c) The BIK will be processing you data for the following purposes:
  - for the purpose of carrying out banking activities, especially for assessing customers' repayment capacity and analysing credit risk, including profiling – the provisions of the Banking Act serve as a legal basis for the data processing;
  - for statistical and analytical purposes which do not result in data and the results are not used as a basis for a decision concerning a natural person – the legal basis for the processing are the data controller's legitimate interests arising from the Banking Act;
  - for the purpose of using internal methods and other methods and model referred to in Article 105a(4) of the Banking Act – this provision serves as the basis for the data processing;
  - for the purpose of handling your potential complaints or legal claims – the legal basis for the data processing are the data controller's legitimate interests such as the resolution of a complaint or defence of legal claims.
- d) The BIK processes the following data categories:
  - identification data, PESEL (personal identification number)/NIP (taxpayer identification number), name and surname, ID, family name, mother's maiden name, father's name, mother's name, date of birth, place of birth, nationality;
  - address and contact details;
  - socio-demographic characteristics: details of employment or conducted business, educational background, income and expenses, marital status, household size, matrimonial regime;
  - information about liabilities: source, amount and currency, account number and balance, origination date, repayment terms, purpose of financing, collaterals, repayment history, debt balance upon termination, expiry date, causes of default or delayed payment referred to in Article 105a(3) of the Banking Act, reasons for expiry, details of personal bankruptcy, credit decision and credit applications.
- e) The BIK sources your data from the Bank. Information about personal bankruptcy processed by the BIK may come from the Bank or Monitor Sądowy i Gospodarczy.
- f) The BIK will be processing you data for the following purposes:
  - for the purpose of carrying out banking activities, especially for the purpose of assessing repayment capacity and credit risk analysis – during the existence of your liabilities; upon their termination, the data processing may only be based on your explicit consent or if the conditions referred to in Article 105a(3) of the Banking Act are fulfilled, but in no event for a period longer than 5 years upon their termination;
  - for the purpose of using internal methods and other methods and models referred to in Article 105a(4) of the Banking Act – for the period of 12 months upon termination of liability; when it comes to data subject to an inquiry provided to the Credit Bureau – for a period not longer than 5 years upon submission of the inquiry, where such data will be made available for a period not longer than 12 months of their disclosure;
  - for the purpose of using internal methods and other methods and models referred to in Article 105a(4) of the Banking Act – for the period in which the liability exists and for 12 months of its termination;
  - for statistical and analytical purposes – for the duration of the liability and for the period of 12 months upon termination of the liability; when it comes to data subject to an inquiry provided to the BIK – for a period not longer than 10 years upon submission of the inquiry;
  - for the purpose of handling complaints and claims – by the time your potential claims arising from an agreement or any other instrument become time barred.
- g) The BIK may provide your data to entities authorized to receive them under the applicable regulations, including entities referred to in Article 105(4) and Article 105(4d) of the Banking Act and to the registry of personal identification numbers (PESEL) or registry of identification documents (RDO) for the purpose of verifying the correctness of provided data or to other partners of the BIK subject to your consent. Your data may also be disclosed to entities processing data on behalf of the BIK such as its IT services providers, where such provides will be processing your data on a subcontractor basis under an agreement with the BIK and on instructions from the BIK.
- h) Your personal data protection rights to be provided by the BIK are described in point 6 of this document.