

## INFORMATION CONCERNING DATA PROCESSING

according to Art. 13 and 14 of the General Data Protection Regulation (GDPR)

The following information provides an overview of the processing of your personal data by us and of the rights that you have under the EU general data protection regulation 2016/679 (GDPR) which is in effect since 25 May 2018. In case of centralized processing of personal data, the subsidiaries of hobex AG (hobex GmbH and hobex s.r.l.) act as joint controllers pursuant to Art. 26 GDPR. Which kind of data is collected for what purpose depends on the requested or agreed services.

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

The party responsible for data processing is: hobex AG, Josef-Brandstaetter-Str. 2b, 5020 Salzburg, Austria, Tel. +43 662 2255-0, Email Address (general): office@hobex.at

We are happy to answer any questions or requests for information regarding data protection at the above-mentioned address (adding 'Data Protection' to the address) or by email: datenschutz@hobex.at

### 2. Which data are being processed and what are the sources of these data?

We process personal data (Art. 4 Nr. 1 GDPR) which we receive in the course of doing business with our customers. We also process – insofar as necessary for the provision of our services – data which we have permissibly received from credit agencies and debtor indices (e.g. CRIF GmbH, SCHUFA Holding AG, KSV 1870 Holding AG) and from publicly available sources (e.g. commercial register, register of associations, the edicts archive, media).

Personal data includes customer personal information (name, address, contact data, date and place of birth, gender, citizenship, etc.) and verification data (e.g. ID data). This could also include data from the fulfilment of our contractual obligation (e.g. credit card data and sales data in payment transactions), information about your financial status (e.g. credit rating data, etc.), register data, image and sound data (e.g. video or telephone recordings), information from your electronic interactions with hobex AG (e.g. apps, cookies, etc.), processing results, data which hobex AG generates itself, data for fulfilling legal and regulatory requirements as well as other data comparable to the named categories.

### 3. For what purpose are the data processed and on what legal basis?

We process personal data in accordance with the following data protection-related provisions:

#### a. To fulfil contractual obligations (Art. 6 para. 1 b GDPR):

The processing of personal data (Art. 4 Nr. 2 GDPR) takes place for the delivery and provision of financial services, especially for the execution of our contracts with you and the accomplishment of your orders as well as with all of the activities required for the operation and management of a payment institution. The goals of data processing are primarily oriented toward the specific product and can include, among other aspects, needs assessment, consulting, as well as the execution of transactions. The specific particulars concerning the purpose of data processing can be found in the relevant contract documents and terms and conditions.

#### b. To fulfil legal requirements (Art. 6 para. 1 c GDPR):

The processing of personal data can be required for the purpose of fulfilling various legal requirements (e.g. from the Payment Service Law 2018, Financial Market Money Laundering Laws, Banking Laws, etc.) as well as regulatory guidelines (from e.g. the European Central Bank, the European Banking Oversight Board, the Austrian Financial Market Oversight Board, etc.), to which hobex AG is subject as an Austrian payment institution. Examples of such cases include:

- Reports to the Money Laundering Reporting Authority (§ 16 FM-GwG);
- Provision of information to the Financial Market Oversight Board (FMA) in accordance with ZaDiG 2018;
- Provision of information to financial criminal authorities in the framework of criminal financial proceedings due to deliberate financial offence;
- Provision of information to federal tax authorities

#### c. In the framework of a declaration of consent (Art. 6 para. 1 a GDPR):

If you have given us consent to process your personal data for specific purposes, then the legality of this processing is determined on the basis of your declaration of consent. A declaration of consent can be withdrawn at any time. This also applies for the revocation of declarations of consent that were made prior to the validity of the GDPR, i.e. before 25 May 2018. The withdrawal of consent does not affect the legality of data processed up until the point of revocation.

#### d. For the purpose of weighing interests (Art. 6 para. 1 f GDPR):

Insofar as necessary, we will process your data beyond the actual fulfilment of the contract for the purpose of ensuring our valid

interests or the valid interests of third parties. Examples:

- Consultation and data exchange with credit agencies (see 2 above) and the bank in charge of your account for the purpose of determining creditworthiness and nonpayment risks;
- Telephone recordings (e.g. during complaints);
- Measures relating to business management and the development of processes, services and products;
- Measures relating to the protection of employees and customers as well as the property of hobex AG;
- Measures relating to preventing and combating fraud (Fraud Transaction Monitoring);
- In the framework of legal proceedings

#### e. For the purpose of marketing activities (Art. 6 para. 1 a and f GDPR)

We also use your data for the advertisement of our own products and the products of our cooperative partners as well as for market and opinion research. We link to and analyse data relevant to our marketing purposes for advertisements or offerings better matched to our customers' needs. Our valid interest consists of offering products matched to the customer needs of existing or potential customers. They have the right to refuse the use of their personal data for direct marketing purposes.

#### 4. Who receives your data?

Within hobex AG, your data are received by those departments and/or employees which require them for the fulfilment of their contractual, legal, and regulatory obligations as well as valid interests. Your data are furthermore received by data processing companies engaged by us (particularly IT and back office service providers, credit card companies, etc.), insofar as the data are required for the fulfilment of their respective services. All data processing companies are correspondingly contractually obligated to handle your data confidentially and only to process them for the purposes of providing services.

Recipients of your personal data through disclosure or joint system access may also be the subsidiaries of hobex AG (hobex GmbH and hobex s.r.l.).

With the presence of a legal or regulatory obligation public authorities and institutions (European Banking Authority, European Central Bank, Austrian Financial Market Oversight Board, other financial authorities, law enforcement agencies, etc.) could receive your personal data.

With regard to the transfer of data to third parties, we note that hobex AG is required to maintain the confidentiality of all customer-related information and facts which have been trusted to us or made accessible to us on the basis of a business relationship, pursuant to Art. 20 para. 5 ZaDiG 2018. We may only pass on your data if you have released us from the confidentiality obligation, in advance and in writing, or if we are required or entitled to on legal or regulatory grounds or on the basis of valid interests. Recipients of personal data can include in this context credit and financial institutions or similar entities to whom we transfer data for the purpose of executing our business relationship with you (depending on the contract, this could include e.g. banks, credit agencies, etc.).

#### 5. Are data transferred to countries outside of the EU (so-called 'third states')?

Data are transferred to authorities in non-member states if:

- it is required for the execution of your order (e.g. credit card data in payment transactions),
- it is required by law (e.g. tax reporting requirements) or
- you have given us your consent.

#### 6. How long are your data saved?

We will process your personal data, if necessary, for the duration of the total business relationship (from initiation and transaction to the termination of a contract) as well as in accordance with the legal and regulatory retention and documentation requirements which can be found in the Austrian Commercial Code (UGB), the Payment Service Code (ZaDiG), the Banking Act (BWG) and the Money Laundering Act (GwG), among other places.

In addition, the legal statute of limitations must be taken into account with regard to the length of retention, which could in certain cases, e.g. according to the Austrian Civil Code (ABGB), be up to 30 years (the general limitation period is 3 years).

#### 7. Which data protection laws apply to you?

As an affected person according to data protection law, you have a right to information, rectification, deletion or limitation of the processing of your saved data, a right of objection to the processing as well as a right to data mobility according to the prerequisites of data protection law. The affected persons can exercise all rights via an email to [datenschutz@hobex.at](mailto:datenschutz@hobex.at) or by sending a letter. The affected person must identify him- or herself and provide proof of identification to ensure that the answer is actually addressed to the affected person. You also have a right of appeal to the Austrian Data Protection Authority as a regulatory authority if you are of the view that the processing of your personal data is not occurring in accordance with the law ([www.dsb.gv.at](http://www.dsb.gv.at)).

**8. Are you required to provide your data?**

For the purposes of our business relationship, you must provide that personal data which is necessary for the assumption and execution of the business relationship and which we are required by law to collect. If you do not provide us with this data, then we will generally be forced to decline concluding the contract or executing the order or be unable to execute an existing contract and thus be forced to end it. You are however not required to provide your consent to the processing of data which is not relevant to the fulfilment of the contract and/or is not legally required or required by regulation.

**9. Is there an automated decision-making process, incl. profiling?**

We do not use any automated decision-making processes according to Art. 22 GDPR for the bringing about of decisions concerning the establishment or execution of the business relationship which would have legal consequences for the affected person or would have a similar substantial negative impact on that person.

**10. Adjustment of this information**

Please note that we can make adjustments to this information regarding data processing as necessary. The latest version of this information can be found at any time on our homepage [www.hobex.at/datenschutz](http://www.hobex.at/datenschutz).

**11. Information concerning data processing according to § 21 para. 5 FM-GwG**

As a payment institution, hobex AG is, in the context of its requirement to perform due diligence in the prevention money laundering and financing of terrorism, obligated to gather certain documents and information from persons upon the establishment of a business relationship and in the further course of the business relationship. Pursuant to the Austrian Money Laundering Act (FM-GwG), the payment institution is required to determine and verify the identity of customers, the financial holdings of customers or any trusters of the customer, to evaluate the purposes pursued by the customer and the intended form of business relationship, to gather and verify information about the source of the invested means, as well to continually monitor the business relationship and the transactions executed in the framework of this relationship. The payment institution must especially retain copies of received documents and information which are required for the fulfilment of the described due diligence requirements as well as transaction receipts and records which are necessary for the investigation of transactions. The Austrian Money Laundering Act (FM-GwG) grants the payment institution the legal authority within the meaning of Data Protection Law to use the mentioned customer data for the purpose of exercising due diligence requirements pertaining to the prevention of money laundering and financing of terrorism, to which requirements the institution is legally subject and which serve the public interest. The processing of data within the scope of the described due diligence requirements are based on a legal obligation of the payment institution. An objection by the client to these uses of data thus may not be observed by the payment institution.