

Data protection information for suppliers/service providers and other third parties of BayernLB

How we deal with your data and your rights – information pursuant to article 13, 14 and 21 of the General Data Protection Regulation (GDPR)

Dear Sir or Madam,

In the following we would like to inform you about how we process your personal data and the entitlements and rights you have in accordance with the data protection regulations.

The specific data that is processed and how it is used depends predominantly on the services commissioned or agreed.

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

The office responsible is:

Bayerische Landesbank

Anstalt des öffentlichen Rechts

Brienner Strasse 18

80333 Munich, Germany

Tel.: +49 89 2171-01

Fax: +49 89 2171-23579

E-mail: kontakt@bayernlb.de

You can contact our company's data protection officer at:

Bayerische Landesbank

Anstalt des öffentlichen Rechts

Data Protection Officer

Brienner Strasse 18

80333 Munich

Germany

Tel.: +49 89 2171-01

E-mail: Datenschutz.BayernLB@bayernlb.de

2. What sources and data do we use?

As part of your service provider relationship, we process the personal data you provide (e.g. master data and emergency contacts) and data which arises due to the potential/current or former contractual relationship (e.g. invoicing data).

In addition, there are special categories of data on you or your employees that we process in relation to your current contractual relationship (e.g. severely disabled status).

3. Why do we process your data (purpose of processing) and on what legal grounds?

We process your personal data in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the German Data Protection Act (Bundesdatenschutzgesetz – BDSG) as amended:

3.1 To establish, execute and terminate a contractual relationship (Art. 6 para. 1 (b) GDPR)

Personal data is processed and transmitted to fulfil our contract or to perform pre-contractual activities with you and to commission and execute our orders. This applies in particular to settling remuneration and contractual correspondence. Among other things, it may also be necessary to process your data to provide access to buildings or rooms. Without this data, we may, in certain circumstances, be unable to conclude or execute the contract with you¹.

3.2 As a result of legal requirements (Art. 6 para. 1 (c) GDPR)

In addition, we as a bank are subject to a range of statutory obligations, i.e. legal requirements (e.g. the German Banking Act, the German Commercial Code and German tax law) and banking supervisory regulations (e.g. from the European Central Bank, the European Banking Authority, the Deutsche Bundesbank and the German Federal Financial Supervisory Authority). This applies in particular to complying with record-keeping, information and reporting obligations, to the extent this is required due to laws and standards, including related text documents (such as correspondence) that are created and archived electronically.

3.3 Data processing for the purposes of management and security of the system, Art. 6 para. 1 (f) GDPR

In accordance with the applicable statutory provisions on data security, a range of your data is processed to ensure the management and security of the system, such as to manage user IDs, allocate hard and software to system users and ensure the system's security. This includes related text documents created and archived electronically (such as correspondence). If this data is not processed, the system cannot be operated securely and therefore you will be unable to provide services at our organisation. Furthermore, we process your data to manage business and refine supplier management.

Data processing in the case of legal disputes, Art. 6 para. 1 (f) GDPR

If a legal dispute arises during the service provider relationship or after it has ended, the data required for the purposes of prosecution will be processed on our part to ensure claims are protected, asserted and defended.

4. Who gets my data?

Within the Bank, your data is provided to the units that need it to fulfil our contractual and legal obligations. With regard to passing on data to recipients outside the Bank the following applies: we may only pass on information about you or your employees if the law allows it, the data subjects have consented, fulfilling the contract or implementing pre-contractual activities requires it or we are authorised to do so to protect legitimate interests on our part or on the part of third parties. Personal data in the respective individual case may be transmitted accordingly to, for example, the following bodies:

- Professional associations (e.g. Chambers of Commerce)
- Local authorities and district administrative authorities in administrative police duties (trade authority, etc.)
- Customers and interested parties of the office responsible
- Other internal units
- Persons in a position of trust (e.g. security representative or disabled persons' representative)
- Legal representatives
- Courts
- Financial institutions dealing with payments to you or a third party

The contract data processors we use (Article 28 GDPR) or other recipients may receive personal data for these purposes. Such companies may fall under the following categories, for example: commercial lending services, IT services, logistics, printing services, telecommunications, and collection.

¹ **Note:** This only affects the data that is actually imperative to conclude and/or execute the contract.

5. How long will my data be stored?

To the extent required, we process and store personal data for the duration of our business relationship, which also includes, for example, the initiation and execution of a contract.

Furthermore we are subject to various retention and documentation obligations arising from, for example, the German Commercial Code (HGB), the German Fiscal Code (AO) and the German Banking Act (KWG).

The retention and documentation periods stipulated are between two and ten years.

As a result of external tax audits (section 193 AO), retention periods may also exceed ten years.

Finally, the storage period is also determined by the legal statutes of limitations, which, for example, pursuant to sections 195 et seqq. of the German Civil Code (BGB), are usually three years, but in certain cases can be as long as 30 years.

6. Is data transferred to a third country or an international organisation?

Data is only transferred to a third country (countries outside the European Economic Area – EEA) if it is required for the purpose of the service provider relationship, it is required by law or you have provided us with your consent. If service providers in third countries are used, they are obligated to comply with the level of data protection in Europe by agreeing the EU standard contractual clauses, in addition to written instructions. We will inform you separately of details where legally required.

7. What rights of data protection do I have?

Every data subject has the right of **access** pursuant to Art. 15 GDPR, the right to **rectification** pursuant to Art. 16 GDPR, the right to **erasure (“right to be forgotten”)** pursuant to Art. 17 GDPR, the right to **restriction of processing** pursuant to Art. 18 GDPR and the right to **data portability** from Art. 20 GDPR. The right of access and right of erasure are subject to the limitations of sections 34 and 35 BDSG. Furthermore the data subject has the right to lodge a complaint with a supervisory authority for data protection of their choice (Art. 77 GDPR in conjunction with section 19 BDSG).

Consent granted to us for the processing of personal data can be withdrawn at any time. This also applies to withdrawing declarations of consent, which were granted to us before the GDPR came into effect, i.e. before 25 May 2018. Please note that the withdrawal only applies in the future. Data processing that was performed before the withdrawal remains unaffected.

8. Am I obligated to provide data?

As part of our service provider contract, you only have to provide the personal data that is required to establish, execute and terminate a contractual relationship or that we are obliged by law to collect. Without this data, we will normally have to refuse to enter into a contractual relationship.

9. To what extent is automated decision-making employed in individual cases?

We generally do not use any fully automated decision-making process pursuant to Art. 22 GDPR to establish and execute the contractual relationship. If we should use this process in specific cases, you will be informed separately of this, providing this is required by law.

10. To what extent will my data be used for profiling (scoring)?

We generally do not use any profiling pursuant to Art. 22 GDPR to establish and execute a contractual relationship. If we should use this process in specific cases, you will be informed separately of this, providing this is required by law.

Information about your right to object pursuant to Art. 21 of the General Data Protection Regulation (GDPR)

1. Objection on a case-by-case basis due to your specific situation

You have the right to object at any time, for reasons arising from your specific situation, to processing of data relating to your person, which is performed based on Art. 6 para. 1 (f) GDPR (data processing based on consideration of legitimate interests).

If you object, we will no longer process your personal data unless we can provide compelling legitimate reasons for the processing which override your interests, rights and freedoms, or the processing serves the assertion, exercise or defence of legal claims.

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

In specific cases we process your personal data to engage in direct marketing. You have the right at any time to object to your personal data being processed for the purpose of such marketing; this also applies to profiling, if it is connected with direct marketing.

If you object to your data being processed for the purposes of direct marketing, we will no longer process your data for this purpose.

The objection does not require a specific form and, if possible, should be addressed to:

Bayerische Landesbank

Anstalt des öffentlichen Rechts

Brienner Str. 18

80333 Munich

Germany

Tel.: +49 89 2171-01

E-mail: kontakt@bayernlb.de