



## PRIVACY NOTICE FOR CLIENTS

This privacy notice informs you, our clients, and individuals related to you whose data we process in the course of our relationship with you (e.g. legal representatives, beneficial owners, contact persons, etc.) about the processing of your personal data (i.e. data by which you may be directly or indirectly identified), as well as of your rights in accordance with the Data Protection Legislation (the **Privacy Notice**).

**Data Protection Legislation** means any applicable law, statute, decree, legislative enactment, order, regulation, rule or other binding instrument which implements the Directive (95/46/EC), the e-Privacy Directive and as from 25 May 2018 Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 (the **GDPR**) as such legislation and guidance may be amended, replaced or repealed from time to time.

### 1. WHO IS THE DATA CONTROLLER AND WHO TO CONTACT?

Any personal data provided to or collected by us will be processed (i.e. used, stored, transmitted, etc.) in accordance with this Privacy Notice by us, Öhman Bank S.A., having our registered office at 16 Avenue Pasteur, L-2310 Luxembourg, and registered with the Trade and Companies Register of Luxembourg under number B112033 (hereafter “we” or “us”), in our capacity of controller or by our subcontractors and service providers as further described in this Privacy Notice in their capacity as processors.

We have appointed a Data Protection Officer (**DPO**). You can contact our DPO at [dpo@ohman.lu](mailto:dpo@ohman.lu).

### 2. WHAT PERSONAL DATA IS PROCESSED?

We process the data that we receive through our business relationship with you. We receive the data either directly from you, e.g. in the context of opening a bank account or placing an order. In particular, the data we process about you includes:

- identification data (e.g. name, e-mail, postal address, telephone number, country of residence, passport, identity card, tax identification number, identification credentials to connect to internet banking services);
- electronic identification data (e.g. IP addresses, cookies, traffic data);
- personal characteristics (e.g. date of birth, marital status);
- banking and financial data (e.g. financial identification, financial situation (including loans, assets, expenses, etc.), risk profile, investment objectives and preferences);
- employment and occupation (e.g. employer, function, title, place of work);
- data received in the context of performing the agreement (e.g. securities orders, account positions and transactions, and power of attorneys);
- tax-related data, contract data for our products (e.g. with regard to discretionary management offerings);
- communications (e.g. exchange of letters with you, telephone recordings);
- images and sound (e.g. copies of identifications documents);
- advertisement and sales data (e.g. potential interesting products for you).

These types of personal data may include special categories of data, i.e. information about political opinions to comply with applicable law regarding the identification of politically exposed persons).

We may collect Personal Data about you directly or from other public or private legitimate sources. Such sources include third party data aggregators, public sources, and credit rating agencies.

### 3. FOR WHICH PURPOSES DO WE PROCESS YOUR DATA AND ON WHICH LEGAL BASIS?

Hereinafter, we inform you about the purposes and legal basis of the processing of your data by us.



### 3.1 For the performance of contractual obligations

We process your data in view of entering into or for the performance of our contracts with you, e.g. the administration of your account, for the execution of your orders, including the management of your deposits and loans, investments and other banking services and generally for conducting our business relationship with you. The specific data processing purposes are determined in accordance with the particular product and the underlying contract.

### 3.2 For purposes that are in our legitimate interest

We may also process your data on the basis of a balance of interests to pursue our or a third party's legitimate interests. This is carried out for the following purposes:

- For client advisory services and sales, in particular for the evaluation of your financial need, your creditworthiness and solvency and the monitoring of your financial situation;
- General management and development of services, systems and products;
- Fulfilment of our internal requirements and those of the Öhman Group affiliated companies, including credit and risk management, insurance, audit and management purposes;
- To assure the safety and continuity of IT services;
- Advertisement and marketing research;
- For the establishment, exercise and defence of legal claims;
- For the prevention and investigation of crime, as well as risk management and fraud prevention.

Our interest for the respective processing of data is based on the respective purposes and is otherwise of economic nature (efficient task fulfilment, sales, and avoidance of legal risks).

As far as possible in respect with the particular purpose, we rely on pseudonymisation (e.g. encryption) and anonymisation to process your data.

### 3.3 With your consent

Insofar you have given us your consent for the processing of personal data, such consent will serve as a legal basis for the referred processing.

This includes your potential consent that you may have given to be contacted by phone or email for offers and promotions (e.g. about products and services of other Öhman Group or those of our commercial partners).

### 3.4 For the compliance with legal and regulatory obligations

We are subject to various legal obligations in terms of statutory (e.g. laws of the financial sector, anti-money laundering laws, tax laws) and regulatory requirements (e.g. European Central Bank, European Banking Regulator, and the *Commission de Surveillance du Secteur Financier (CSSF)*).

This includes processing your personal data for the purpose of compliance with applicable banking laws such as the applicable legislation on markets in financial instruments (**MiFID**), Know-Your-Customer (**KYC**), and Anti-Money Laundering and Combating the Financing of Terrorism (**AML/CFT**), complying with requests from, and requirements of, local or foreign regulatory or law enforcement authorities, tax identification and, as the case may be, reporting, including but not limited to the United States Foreign Account Tax Compliance Act (**FATCA**), and the Common Reporting Standard (**CRS**) and any other automatic exchange of information (**AEI**) regimes to which we may be subject from time to time.

With respect to tax reporting such as FATCA and/or CRS purposes, please note that (i) your personal data may be processed and transferred to the Luxembourg Direct Tax Authority who may transfer such data to the competent foreign tax authorities, including the US Internal Revenue Service or any other US competent authority, only for the purposes

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provided for in the FATCA and the CRS rules as well as to service providers for the purpose of effecting the reporting on our behalf and (ii) for each information request sent to you, addressing such information requests is mandatory and failure to respond may result in incorrect or double reporting.

## 4. WHO RECEIVES MY DATA?

Within Öhman Group, only those entities will receive your data that need to fulfil our contractual or legal obligations or to fulfil their respective tasks (e.g. securities account services, anti-money laundering, marketing). Beyond that, following entities may receive your data:

- Other departments and/or Öhman Group companies that process your personal data for credit assessment purposes, for outsourcing purposes, for establishing the business relationship with you and complying with our legal and regulatory obligations;
- Credit card issuers, custody banks, insurance companies and other companies who need to receive the data for the execution of the contract between you and us, and which act as independent data controllers;
- Processors (i.e. service providers) appointed by us, that process your personal data on our instructions;
- Administrations, public services, local authorities and institutions (e.g. the Luxembourg financial sector supervisory authority, the CSSF, tax authorities) in the case of a statutory or regulatory obligation;
- The respective shareholders, agents, employees, consultants, representatives, authorized representatives, financial intermediaries, auditors, service providers, as well as any affiliates or subsidiaries of Öhman Group (and their respective agents, employees, consultants, representatives, authorized representatives);
- Entities that act on behalf of you or which have a business relation with you such as, payment recipients, beneficiaries, authorized representatives, intermediaries, clearing houses, clearing and settlement systems, companies in which you hold securities (if those securities are kept by the bank for you);
- Specialised companies, such as the Society for Worldwide Interbank Financial Telecommunication (SWIFT) and clearing companies that process personal data relating to money transactions and that can use for those purposes processing centres that are located within the European Union or abroad (particularly the United States);
- Other financial institutions or credit agencies in order to receive or provide credit reports;
- External fund managers that provide asset management services;
- Brokers that introduce or bring contacts to us;
- Parties involved in the context of a company restructuring, transfer, divestiture, fusion or acquisition at the level of our bank or the Öhman Group;
- Other entities (e.g. for marketing purposes), based on your consent.

## 5. HOW LONG WILL WE KEEP YOUR DATA?

As far as necessary, we will keep your data for the duration of our business relationship, which includes the preparation and signing of a contract.

In addition, we are subject to various retention and documentation obligations, which *inter alia* follow from the commerce code (*Code de Commerce*) and from anti-money laundering laws. The retention periods provided by those laws vary from five to ten years.

Finally, the retention period will also be determined by the legal limitation periods that can be, for example as set forth by the commerce code (*Code de Commerce*), and amount to up to ten years after the end of the contractual relationship with you.

## 6. WHERE IS PERSONAL DATA TRANSFER TO?

For the purposes listed above, your personal data will be transferred to any of the aforementioned recipients and service providers in any jurisdiction. Transfers of such data shall be made to countries located in or outside of the European Economic Area (the **EEA**). Certain countries in which recipients and data processors may be located and to which



personal data may be transferred may not have the same level of protection of personal data as the one afforded in the EEA. Personal Data transferred to countries outside of the EEA will be protected by appropriate safeguards such as standard contractual clauses approved by the European Commission and you may obtain a copy of such safeguards by contacting us at [dpo@ohman.lu](mailto:dpo@ohman.lu).

## **7. DO I HAVE THE OBLIGATION TO PROVIDE THE DATA?**

In the context of our business relationship, you only have to provide those personal data that are necessary for the formation, performance, and termination of a business relationship or that we are required by law to collect from you.

Without those data, we will generally refuse to sign or to perform the contract, or stop performing or, where appropriate, terminate an existing contract. In particular, anti-money laundering laws require us, before entering into a business relationship with you, to identify you, for example by demanding your identity card, your name, date of birth, place of birth, nationality and official residence. In order for us to comply with those legal requirements, you have to provide us, with the necessary information and documents and to inform us immediately of any subsequent change. We cannot enter into the desired business relationship with you, if you do not provide us with the necessary information and documents.

## **8. TO WHAT EXTENT DO WE USE AUTOMATED DECISION-MAKING?**

In general, we do not use automated individual decision-making for the formation and performance of the business relationship. If we should rely on such processing in a particular situation, we are going to inform you separately, insofar we are legally required to do so.

## **9. TO WHAT EXTENT IS MY DATA GOING TO BE USED FOR PROFILING?**

We process your data partly by automated means in order to evaluate certain personal aspects (so called “profiling”).

By virtue of statutory and regulatory requirements, we are obliged to take part in the fight against money laundering, economic crime and terrorist financing. For that purpose, we also analyse your data (*inter alia* your transactions). In addition we use profiling for fraud prevention and detection purposes. These measures are also for your own protection.

## **10. WHAT ARE MY RIGHTS?**

### **10.1 Right to information, rectification, erasure and restriction of processing**

You may request to obtain at no costs, within reasonable intervals, and in a timely manner, the communication of your personal data being processed, as well as all information on the origin of those data.

You also have the right to rectify your personal data held about you that is inaccurate.

In cases where the accuracy of the personal data is contested, the processing is unlawful, or where you have objected to the processing of your personal data, you may ask for the restriction of the processing of such personal data. This means that personal data will, with the exception of storage, only be processed with or for the establishment, exercise or defence of legal claims, for the protection of the rights of another natural or legal person or for reasons of important public interest of the European Union or of an EU Member State. In case a processing is restricted, you will be informed before the restriction of processing is lifted.

You may request the deletion of personal data held about you, without undue delay when the use or other processing of such personal data is no longer necessary for the purposes described above, and notably when consent relating to a specific processing has been withdrawn or where the processing is not or no longer lawful for other reasons.



## 10.2 Right to object

You may object to processing of your personal data which is based on the legitimate interests pursued by us or by a third party. In such a case we will no longer process your personal data unless we have compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

You have also the right to object at any time to processing of your personal data for marketing purposes, which includes profiling to the extent that it is related to such direct marketing. If you object to processing for direct marketing purposes, your personal data will no longer be processed for such purposes.

Your right to object is not bound to any formalities.

## 10.3 Right to withdraw consent

You have the right to withdraw your consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal. This also applies to any consent given before the coming into force of the GDPR on 25 May 2018. The withdrawal only affects future processing.

## 10.4 Right to data portability

Where the processing of your data is based on consent or the execution of a contract with you and the processing is carried out by automated means, you also have the right to data portability for information you provided to us – this means that you can obtain a copy of your data in a commonly use electronic format so that you can manage and transmit it to another controller.

## 10.5 Right to lodge a complaint

You can exercise your rights any time by contacting us at [dpo@ohman.lu](mailto:dpo@ohman.lu).

In the event that you wish to make a complaint about how we process your personal data, please contact us in the first instance at the email address indicated above and we will endeavour to deal with your request as soon as possible. This is without prejudice to your right to file a complaint with the Luxembourg data protection authority, the *Commission nationale pour la protection des données*, or another European data protection authority (e.g. in your country of residence), in the event you have concerns on the processing of your personal data.

## 11. AMENDMENTS OF THIS PRIVACY NOTICE

We may amend this Privacy Notice from time to time to ensure that you are fully informed about all processing activities and our compliance with applicable Data Protection Legislation. You will be notified of changes to the Privacy Notice by appropriate means.

Version dated 18 May 2018