

INFORMATION ON DATA PROTECTION

in accordance with Articles 13, 14 and 21 of the General Data Protection Regulation - GDPR

We hereby inform you about the processing of your personal data by us and the claims and rights to which you are entitled in accordance with the provisions of data protection law.

Which data is processed in detail and how it is used depends on the services you have requested or agreed with us.

1. WHO IS RESPONSIBLE FOR DATA PROCESSING AND WHOM CAN I CONTACT?

The data controller is

FXFlat Bank AG

Kokkolastr. 1

D-40882 Ratingen

Tel +49 (0)2102 100 494-00

Fax +49 (0)2102 100 494-90

Email: service@fxflat.com

You can reach our Data Protection Officer at our contact details and by email at datenschutz@fxflat.com.

2. WHAT SOURCES AND DATA DO WE USE?

We process personal data that we receive from you in the course of our commercial relationship. In addition, we process - to the extent necessary for the provision of our services - personal data that we have received from other third parties (e.g. SCHUFA) in a permissible manner (e.g. for the execution of orders, for the fulfilment of contracts or on the basis of consent given by you). On the other hand, we process personal data that we have permissibly obtained from publicly accessible sources (e.g. trade and association registers, press, media) and are allowed to process.

Relevant personal data are personal details (name, address and other contact details, date and place of birth and nationality), identification data (e.g. identity card data) and authentication data (e.g. specimen signature). In addition, this may also include order data (e.g. payment order, securities order),

data from the fulfilment of our contractual duties (e.g. turnover data in payment transactions), product data, information about your financial situation (creditworthiness data, scoring/rating data, origin of assets), advertising and sales data (including advertising scores), documentation data, register data, data about your use of the telemedia offered by us (e.g. time of calling up our websites, apps or newsletters or pages or entries clicked on by us) as well as other data comparable to the above categories. We may also collect personal data (e.g. time of accessing our websites, apps or newsletters or pages or entries clicked on by us) as well as other data comparable to the categories mentioned above (e.g. time of accessing our websites, apps or newsletters, pages or entries clicked on by us) as well as other data comparable to the categories mentioned above.

3. WHAT DO WE PROCESS YOUR DATA FOR (PURPOSE OF PROCESSING) AND ON WHAT LEGAL BASIS?

We process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG).

3.1 FOR THE FULFILMENT OF CONTRACTUAL DUTIES (ART. 6 PARA. 1 B GDPR)

The processing of personal data (Art. 4 No. 2 GDPR) is carried out for the purpose of providing and mediating transactions, financial services, in particular for the execution of our contracts

or pre-contractual measures with you and the execution of your orders, as well as all activities necessary for the operation and management of a credit and financial services institution.

The purposes for which the data are processed depend primarily on the product in question (e.g. account, securities, financial instruments, brokerage) and may include, inter alia, needs analysis, support services, asset management and servicing, and

execution of transactions. Further details on the purpose of data processing can be found in the respective contract documents and Terms and Conditions.

www.fxflat.com/fileadmin/downloads/FXFlat-agbs.pdf

3.2 WITHIN THE CONTEXT OF THE BALANCING OF INTERESTS (ART. 6 PARA. 1 F GDPR)

To the extent that necessary, we process your data beyond the actual execution of the contract in order to protect the legitimate interests of us or third parties. Examples:

- Testing and optimisation of procedures for needs analysis and direct Client contact;
- advertising or market and opinion research, provided you have not objected to the use of your data;

- assertion of legal claims and defence in statutory disputes;
- ensuring IT security and IT operations of the securities trading bank;
- prevention and detection of crime;
- building and facility security measures (e.g. access controls);
- building and facility security measures (e.g. access controls);
- measures for corporate management and further development of services and products.

3.3 ON THE BASIS OF YOUR CONSENT (ART. 6 PARA. 1 A GDPR)

If you have given us your consent to process personal data for specific purposes, the lawfulness of this processing is based on your consent. Any consent given can be revoked at any time. This also applies to the revocation of declarations

of consent given to us - such as the SCHUFA clause - before the entry into force of the GDPR, i.e. before 25 May 2018.

Please note that the revocation is only effective for the future. Processing that took place before the revocation is not affected.

3.4 DUE TO STATUTORY REQUIREMENTS (ART. 6 PARA. 1 C GDPR) OR IN THE PUBLIC INTEREST (ART. 6 PARA. 1 E GDPR)

In addition, as a securities trading bank, we are subject to various statutory duties, i.e. statutory requirements (e.g. Banking Act, Money Laundering Act, Securities Trading Act, tax laws) as well as banking supervisory requirements (e.g. of the Deutsche Bundesbank and the Federal Financial Su-

pervisory Authority). The purposes of the processing include creditworthiness, identity and age checks, fraud and money laundering prevention, the fulfilment of control and reporting duties under tax law and the assessment and management of risks.

4. WHO RECEIVES MY DATA?

Within the securities trading bank, your data will be passed on to those offices that require it in order to fulfil our contractual and statutory duties. Processors used by us (Art. 28 GDPR) may also receive data for these purposes. These are companies in the categories of credit services, IT services, printing services, telecommunications, debt collection, consulting and advisory services, and sales and marketing.

With regard to the forwarding of data to recipients outside the securities trading bank, it should first be noted that, in accordance with the General Terms and Conditions agreed between you and us, we are required to maintain secrecy about all Client-related facts and evaluations that become known to us (banking secrecy). We may only disclose information about you if required to do so by law, you have consented or we are authorised to provide banking information. Under these conditions, the recipients of personal data may be, for example:

- Public bodies and institutions (e.g. Deutsche Bundesbank, Bundesanstalt für Finanzdienstleistungsaufsicht, financial authorities) in the event of a statutory or regulatory duty.
- Other credit and financial services institutions or compara-

ble institutions to which we transmit personal data in order to execute the commercial relationship with you (depending on the contract: e.g. correspondent banks, custodian banks, foreign exchanges, credit agencies). The securities trading bank has concluded an order processing agreement with all credit and financial services institutions or comparable institutions, in which we require them to protect the personal data of Clients and not to pass it on to unauthorised third parties.

- If the contractual relationship comes about through a broker, personal data (depending on the brokerage contract, e.g. account number, IP addresses, individual tracking link of the broker) is sent to the broker for invoicing purposes. The securities trading bank has concluded an order processing agreement with all brokers in which we require them to protect the personal data of Clients and not to pass it on to unauthorised third parties.

Other data recipients may be those entities for which you have given us your consent to transfer data or for which you have released us from banking secrecy on the basis of an agreement or consent.

5. HOW LONG WILL MY DATA BE STORED?

As far as necessary, we process and store your personal data for the duration of our commercial relationship, which includes, for example, the initiation and execution of a contract. It should be noted that our commercial relationship is a continuing duty that is intended to last for years.

In addition, we are subject to various storage and documentation duties arising from the Commercial Code (HGB), the Fiscal Code (AO), the Banking Act (KWG), the Money Laundering Act (GwG) and the Securities Trading Act (WpHG), in particular. The periods for retention or documentation specified there

are two to ten years. Finally, the retention period is also measured according to the statutory limitation periods, which, for

example, according to §§ 195 ff. of the Civil Code (BGB) are usually 3 years, but in specific cases can be up to thirty years.

6. WILL THE DATA BE TRANSFERRED TO A THIRD COUNTRY OR TO AN INTERNATIONAL ORGANISATION?

Data is only transferred to third countries (countries outside the European Economic Area - EEA) if this is necessary to execute your orders (e.g. payment and securities orders), is

required by law or you have given us your consent. We will inform you separately about the details if this is required by law.

7. WHAT RIGHTS DO I HAVE WITH REGARD TO DATA PROTECTION?

Every data subject has the right to information under Article 15 of the GDPR, the right to rectification under Article 16 of the GDPR, the right to erasure under Article 17 of the GDPR, the right to restriction of processing under Article 18 of the GDPR and the right to data portability under Article

20 of the GDPR. The restrictions according to §§ 34 and 35 BDSG apply to the right to information and the right to deletion. In addition, there is a right of appeal to a data protection supervisory authority (Art. 77 GDPR in conjunction with § 19 BDSG).

8. AM I REQUIRED TO PROVIDE DATA?

Within the scope of our commercial relationship, you are only required to provide personal data that is required for the establishment, implementation and termination of a commercial relationship or which we are legally required to collect. Without this data, we usually have to refuse the conclusion of a contract or the execution of an order, or we can no longer execute an existing contract and may have to terminate it. In particular, for reasons of money laundering law, we are required to identify you before entering into the commercial re-

lationship, for example on the basis of your identity card, and to collect your name, place of birth, date of birth, nationality and residential address. In order for us to comply with this statutory duty, you must provide us with the information and documents required under the Money Laundering Act and notify us immediately of any changes that occur in the course of the commercial relationship. If you do not provide us with the required information and documents, we will not be able to conclude the commercial relationship you have requested.

9. TO WHAT EXTENT DOES AUTOMATED DECISION-MAKING TAKE PLACE IN INDIVIDUAL CASES?

For the initiation and implementation of the commercial relationship, we generally do not use automated decision-making under Art. 22 GDPR.

Should we use these procedures in individual cases, we will inform you separately, to the extent that this is required by law.

10. TO WHAT EXTENT CAN MY DATA BE USED FOR PROFILING (SCORING)?

Sometimes we process your data automatically with the aim of evaluating specific personal aspects (profiling). For example, we use profiling in the following cases:

- Due to statutory and regulatory requirements, we are required to combat money laundering, terrorist financing and asset-threatening crimes. Data evaluations (e.g. in payment transactions) are also carried out. These measures are also for your protection.
- In order to be able to inform and advise you specifically about products, we use assessment tools. These enable needs-based communication and advertising, including market and opinion research.
- The probability that a Client will meet its payment duties

in accordance with the contract is calculated. The calculation may include, for example, income, expenses, existing liabilities, occupation, employer, length of service, payment history (e.g. account turnover, balances), experience of previous commercial relationships, contractual repayment of previous loans and information from credit reference agencies. In the case of corporate Clients, additional data such as industry, annual results and financial circumstances are also included. Both the scoring and the assessment are based on a mathematically and statistically accepted and proven procedure. The score values and credit ratings determined support us in making decisions when concluding products and are included in ongoing risk management.