

# Data protection information under the EU General Data Protection Regulation in Spain

May, 2018

The following information provides an overview of how we process personal data and rights under data protection law. Which specific data are processed and how they are used are explained below.

## **For ultimate beneficial owners, authorised representatives/ agents of “legal entities”**

Please forward this information to the current and future authorised representatives and beneficial owners as well as any party or co-obligors under a contract. These include, e.g., beneficiaries in the event of death, commercial attorneys-in-fact or guarantors.

### 1. Who is responsible for the data processing and who can I contact in this regard

Controller:

Deutsche Bank S.A. Española  
Paseo de la Castellana 18, 28046 Madrid  
Website: [www.db.com/spain/](http://www.db.com/spain/)

Deutsche Bank S.A. Española  
Servicio de Atención al Cliente (Customer Services)  
Apartado de Correos 416, 08080 Barcelona  
E-mail: [atencion.clientes@db.com](mailto:atencion.clientes@db.com)

Data Protection Officer (DPO): If requested, your complaint may be directed internally to the DPO once submitted to Customer Services at the aforementioned address.

### 2. What sources and data do we use

We process personal data that we receive from you in your capacity as the ultimate beneficial owner/ authorised representative / agent of the legal entity (prospective and / or existing client). We also process personal data from publicly available sources (e.g., commercial registers and registers of association's media, Internet) which we lawfully obtain and are permitted to process.

Relevant personal data of the authorised representative / agent collected:

Name, address / other contact information (telephone, e-mail address), date / place of birth, gender, nationality, marital status, legal capacity, employed / self-employed, identification data (e.g., identification document data), authentication data (e.g., specimen signature), tax-ID.

When products / services are purchased and used, additional personal data may be collected, processed and stored in addition to the aforementioned data. These primarily include:

Information and records on knowledge of and / or experience with securities, interest rate / currency products / financial investments (MIFID status: suitability / appropriateness test).

### 3. Why do we process your data (purpose of the processing) and on what legal basis

We process the aforementioned personal data in compliance with the provisions of the General Data Protection Regulation (GDPR) and the applicable local data protection law

#### **a. for the performance of contractual obligations (article 6 (1) b) GDPR)**

The processing of personal data is carried out in order to perform banking transactions and financial services pursuant to contracts with our clients or to take steps prior to entering into a contract.

For further details on the purpose of the data processing, please refer to the respective contractual documentation and terms and conditions.

#### **b. for compliance with a legal obligation (article 6 (1) c) GDPR) or in the public interest (article 6 (1) e) GDPR)**

As a bank, we are also subject to various legal obligations, i.e., statutory requirements (e.g., Spanish regulations, Banking Regulations, Prevention of Money laundering and Financing of Terrorism, Securities Regulations, Investment Services and Markets in Financial Instruments, Tax Law) as well as banking supervisory requirements.

The purposes of processing include identity and age verification as well as anti-fraud and anti-money laundering

measures.

#### **c. for the purposes of safeguarding legitimate interests (article 6 (1) f) GDPR)**

Where necessary, we process your data above and beyond the actual performance of our contractual obligations in order to safeguard the legitimate interests pursued by us or by a third party. Examples:

- Asserting legal claims and mounting a defence in the event of litigation
- Ensuring the bank's IT security and IT operations
- Preventing crimes
- Video surveillance to safeguard against trespassers, to gather evidence in the event of robbery or fraud or to document disposals and deposits, e.g., at ATMs
- Measures for building and systems security (e.g., admittance control)
- Measures to ensure against trespassing

#### **d. on the basis of your consent (article 6 (1) a) GDPR)**

Insofar as you have granted us consent to the processing of personal data for specific purposes (e.g., transfer of data within the association / Group), the lawfulness of such processing is based on your consent.

Any consent granted may be revoked at any time. This also applies to the revocation of declarations of consent that are granted prior to the entry into force of the EU General Data Protection Regulation, i.e., prior to 25 May 2018.

Please be advised that the revocation will only take effect in the future and does not apply to processing carried out prior thereto.

### **4. Who receives my data**

Within the bank, those offices are given access to your data which require them in order to perform our contractual and statutory obligations. Service providers and vicarious agents employed by us may also receive data for these purposes if they observe banking secrecy and our written instructions under data protection law.

With regard to the transfer of data to recipients outside the bank, it must first of all be noted that as a bank we are under a duty to maintain secrecy about any customer-related facts and evaluations (applies equally to authorized representatives / agents) of which we may have knowledge (Banking secrecy under our General Business Conditions).

We may only disclose information about you if we are legally required to do so, if you have given your consent and / or if processors commissioned by us guarantee compliance with banking secrecy and the provisions of the GDPR / local data protection law.

### **5. Is data transfer to a third country or to an international organisation**

Data will only be transferred to countries outside the EU or the EEA (so-called third countries) if this is required for the execution of your client's orders (e.g. payment and securities orders), prescribed by law (e.g., reporting obligations under tax law), if you have given us your consent or in the context of commissioned data processing. If service providers in a third country are used, they are obligated to comply with the data protection level in Europe in addition to written instructions by agreement of the EU standard contractual clauses.

### **6. How long will my data be stored**

We process and store your personal data as long as necessary for us to comply with our contractual and legal obligations. In this respect, it should be noted that our business relationship is a continuous, long-term obligation.

When any contracts, or the general relationship with the Bank, are cancelled, and if no complaints or amounts are outstanding by the Bank, the data will remain blocked, as long as no legal actions have been prescribed that could be filed by the parties, resulting from the services and products contracted, or the liabilities required as a result of these services or products, and as long as the storage periods defined by the relevant regulations have not finished. These can vary, depending on the case.

After this period, the data can be deleted or kept anonymous, meaning that it is not possible to identify the person referred to. In this way, the data can be used for statistics and internal analysis.

### **7. What data protection rights do I have**

Every data subject has a right of access (article 15 GDPR), a right to rectification (article 16 GDPR), a right to erasure (article 17 GDPR), a right to restriction of processing (article 18 GDPR), a right to object (article 21 GDPR) and a right to data portability (article 20 GDPR). Data subjects also have a right to lodge a complaint with a supervisory

authority (article 77 GDPR).

You may revoke your consent to the processing of personal data at any time. This also applies to the revocation of declarations of consent that are granted prior to the entry into force of the EU General Data Protection Regulation, i.e., prior to 25 May 2018. Please be advised that the revocation will only take effect in the future. Any processing that was carried out prior to the revocation shall not be affected thereby.

## 8. Am I under obligations to provide data

Within the framework of our business relationship, you must provide us with the personal data necessary to establish and implement the business relationship and to comply with the relevant contractual obligations, or to provide information that we are obliged to collect by law. Without this information, we will generally be obliged to reject the contract or the order and cannot continue to carry out the existing contract, and we will, therefore, be obliged to terminate the contract.

In particular, in accordance with the legal provisions on the prevention of money laundering, prior to beginning a business relationship, we are obliged to confirm your identity, for example, by means of your national identity document, and collect and store your name and surname, place and date of birth, nationality, and postal address. In order to continue complying with this legal obligation, you must provide us with the necessary information and documentation, in accordance with this regulation, and also notify us, without delay, of any changes to your information during the course of the business relationship. If you do not provide us with the necessary information and documentation, we will not be able to establish or continue the business relationship initiated.

### Information on your right to object under article 21 of the EU General Data Protection Regulation (GDPR)

#### 1. Ad hoc right to object

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on article 6 (1) e) GDPR (processing in the public interest) and article 6 (1) f) GDPR (processing for the purposes of safeguarding legitimate interests); this includes any profiling based on those provisions within the meaning of article 4 (4) GDPR.

If you lodge an objection, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or unless the processing is for the establishment, exercise or defense of legal claims.

When objection applicant must provide a document identifying him or her (copy of ID card, passport, NIE, etc.) and contact the Bank through the channels provided for this purpose:

- a. In writing, by request addressed to Deutsche Bank, S.A. Española, Servicio de Atención al Cliente, Apartado de Correos 416, 08080, Barcelona.
- b. By e-mail to the following address: [atencion.clientes@db.com](mailto:atencion.clientes@db.com)