

## **Personal data protection**

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# **NOTIFICATION on the procedure of personal data processing and the rights of personal data subjects**

According to Articles 8, 12 of the Law of Ukraine On Protection of Personal Data №2297-VI of June 1, 2010 Raiffeisen Bank Joint Stock Company (hereinafter – Bank) hereby notifies about the rights of personal data subjects, on the procedure for processing of the personal data and personal data protection requests applied by the Bank. The Bank provides the processing and protection of personal data according to the requirements of the Constitution of Ukraine and the Law of Ukraine on Protection of Personal Data, other regulatory acts of Ukraine, Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and international treaties of Ukraine. During its activities the Bank applies the procedure of personal data protection in compliance with the requirements of the Regulation of the European Parliament and of the Council No. 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, (General Data Protection Regulation, hereinafter – GDPR).

Processing of the personal data constituting the banking secrecy is carried out by the Bank in compliance with the requirements of the Law of Ukraine On Banks and Banking and the regulatory acts of the National Bank of Ukraine.

The Bank processes the personal data of its customers, contractors, shareholders, employees, related persons, as well as the personal data of other private individuals, received by the Bank while carrying out banking and other activities according to the law of Ukraine.

The Bank independently defines the procedure for protection of personal data according to the Law of Ukraine On Protection of Personal Data, internal policies and the rules of the Bank related to personal data protection.

### **Information on the Bank as the Personal data controller**

Raiffeisen Bank Joint Stock Company, EDRPOU code 143059099, Leskova Str., Kyiv, 01011. For the purpose of receiving access to personal data, as well as for other purposes related to personal data processing in the Bank, the subject of personal data shall apply at the address: 9, Leskova Str., Kyiv, 01011, Data protection Officer: Ruslana Okrug. For contacting via e-mail address, please, use e-mail address [info@raiffeisen.ua](mailto:info@raiffeisen.ua).

In case of violations while processing of the personal data of the person that is the resident of the state – member of the European Union, the Bank shall provide the information on the respective incidents to Raiffeisen Bank International AG for further provision of the respective information to the supervisory body of the Republic of Austria to fulfil the requirements of GDPR. According to Article 27 of GDPR Raiffeisen Bank International AG is the representative of the Bank in the European Union.

## **Ukrainian supervisory authority on personal data**

The control over the fulfillment of the law on personal data protection shall be provided by the Ukrainian Parliament Commissioner for Human Rights (21/8, Instytutska Str., Kyiv, Ukraine, 01008, tel. (044) 253-75-89; 0800-50-17-20) in scope of the powers stipulated by the law of Ukraine. The Commissioner is also responsible for handling complaints from the data subjects who believe that their personal data protection rights are violated. The Website of the Commissioner's office: <https://ombudsman.gov.ua/>.

## **Privacy policy for mobile applications**

Confidentiality policy for application "Raiffeisen Pay" and mobile applications "Raiffeisen Online" and "Raiffeisen Business Online": [https://raiffeisen.ua/storage/files/politika-konfidencijnosti-04042019\\_1554448866.pdf](https://raiffeisen.ua/storage/files/politika-konfidencijnosti-04042019_1554448866.pdf)

Confidentiality policy for mobile application FAIRO: <https://app.fairo.com.ua/privacy-policy/uk>

## **Purpose of personal data processing**

The Bank processes personal data for the purpose of:

- **Provision of financial services by the Bank and carrying out other activities defined in Article 3 of the Bank's Articles of Association** (the text of the Articles of Association is available on the web-site of the Bank at <https://raiffeisen.ua/storage/files/ctatut-2021.pdf>) **and stipulated by the law of Ukraine;**
- **Fulfillment of the terms and conditions of the agreements that were/will be concluded by the Bank** (including exercising and protection of the rights of the parties under the concluded agreements);
- **Profiling** (automatic processing of the data of customers, other contractors to assess different aspects of behavior, economic, social and other interests/preferences of the respective persons, to define the development strategy, develop and offer products and services of the Bank) ;
- **Sending of informational, promotional messages and offers on the services of the Bank, its partners to private individuals, as well as invitations for private individuals to participate in the programs of the Bank and its partners;**
- **Provision of the quality of banking services and security in the Bank;**
- **Fulfillment of the obligations of the Bank stipulated by the law, including to prevent and counteract the legalization (laundering) of proceeds from crime, terrorist financing and the financing of the proliferation of weapons of mass destruction;**
- **Protection of the legitimate interests of the Bank or third party to which the Bank transfers personal data, except for cases when the needs related to protection of the basic rights and liberties of private individuals within the framework of processing of their data prevail over the respective interests;**
- **exercising other powers, functions, fulfilment of obligations of the Bank stipulated by the law of Ukraine or without prejudice to the law of Ukraine, in particular for the fulfillment of the bylaws of the Bank, collective agreement, decisions of the state authority bodies and**

**bodies that supervise the activity of the Bank, court decisions, decisions of the management bodies of the Bank.**

The purpose of processing personal data of personal data subjects may change due to the change of the terms and conditions of the agreements concluded with them or business relations with them, change of the content of Bank's activities, including due to the changes in the law of Ukraine.

The processing of personal data for the purpose of providing the information/offer on the Bank's services, or for the historical, statistical or scientific purposes, defined by the Bank, as well as the storing of personal data in view of fulfilling the requirements of the law of Ukraine on the procedure for documents storage are not considered inconsistent processing and are carried out by the Bank on the condition of providing the proper personal data protection.

**Rights of private individuals –personal data subjects**

According to Article 8 of the Law of Ukraine on Protection of Personal Data the personal data subject shall have the right to:

1. Know about the sources of collection, location of personal data, purpose of processing, location and/or place of residence (staying) of the controller or processor of such personal data, or to issue a respective order to the authorized persons regarding the receipt of this information, except for cases established by the law of Ukraine/ European Union, if applied by the Bank;
2. Receive the information concerning the conditions of provision by the Bank of access to personal data, in particular information about third persons who obtain his/her personal data;
3. Access his/her personal data, processed by the Bank;
4. Receive a response with regard to whether his/her personal data is processed in a proper way as well as to receive the content of his/her personal data, not later than 30 days from the moment the request was sent to the Bank unless otherwise is prescribed by the Law of Ukraine;
5. Submit motivated requests to a personal data controller objecting against processing his/her personal data;
6. Provide a motivated request with regard to change or destruction of his/her personal data by any controller and processor of such personal data, if such data is processed illegally or are inaccurate;
7. Protect of his/her personal data from illegal processing and accidental loss, destruction, damage due to a deliberate concealing, failure to provide them or provision of such data with delay, as well as to protection from provision of information which is inaccurate or are disgraceful for the honor, dignity and business reputation of a private individual;
8. Lodge complaints regarding the processing of his/her personal data to the Ukrainian Parliament Commissioner for Human Rights or directly to a court;
9. Apply measures of legal protection in case of violation of legislation on protection of personal data;
10. When granting consent, make reservations to restrict the right to process his/her personal data;
11. Withdraw consent to personal data processing;
12. Be informed on the procedure for automated processing of personal data;
13. Be safeguarded against an automated decision having legal implications for the person.

The personal data subject shall have the right to receive from the Bank any information about him/her given that the Bank is able to identify the personal data subject that made the respective request. If the Bank processes the personal data of certain personal data subject, his/her request regarding the provision of the access to his/her personal data shall be fulfilled within 30 calendar days from the date of making the respective request, unless otherwise stipulated in the law of Ukraine. Provision of the access to the personal data to the personal data subject may not be delayed. The copy of the personal data processed by the Bank shall be provided to the personal data subject in form of the extract, drafted according to the procedure defined by the Bank independently. The access to the personal data (including the provision of the extract) shall be provided to the personal data subject by the Bank free of charge.

### **Grounds for processing of personal data**

The personal data is processed by the Bank on the grounds, stipulated by the Article 11 of Law of Ukraine On Protection of Personal Data, including:

- a permission for processing personal data granted to the Bank in accordance with the law solely for the purpose of exercising the functions of the Bank;
- a necessity to fulfil the obligation of the Bank, defined by the law of Ukraine and, if applicable to the Bank, the requirements of the law of the European Union;
- conclusion and performance of a legal contract by the Bank to which a personal data subject is a party or which is concluded in favor of a personal data subject, or to perform actions leading to the conclusion of a legal contract at the request of a personal data subject;
- protection of vital interests of a personal data subject;
- a necessity to protect the legitimate interests of the Bank or third parties to which the Bank transfers personal data except for cases when the needs related to protection of the basic rights and liberties of private individuals within the framework of processing of their data prevail over the respective interests;
- consent of the private individual for the processing of his/her personal data (if available).

The Bank also processes the personal data that are **public information and/or information in the form of open data** (Article 10<sup>1</sup> of the Law of Ukraine On Access to Public Information) received from public sources, including from public state registers, without the consent of the personal data subject. The respective information may be copied, published, disseminated and used in other ways, including for commercial purposes in combination with other information or by including in own product of the Bank, only in the scope corresponding to the above stated purpose of processing with the mandatory reference to the source from which such information was received.

Certain categories of personal data, processing of which constitutes a particular risk for rights and liberties of personal data subjects shall be processed by the Bank only on the special legal grounds, defined in the law of Ukraine, in particular:

- if the personal data subject provided a definite consent for processing of the respective personal data;  
or
- if processing of the respective data is required to exercise the rights and fulfill the obligations of the Bank in the area of labor relations according to the law of Ukraine with the provision of the proper protection of the data of the personal data subject;  
or

- if processing of the respective data is required to protect the vital interests of personal data subject of other person, in case of incompetence or restriction of civil competence of the personal data subject;  
or
- if processing of the respective data is required to substantiate, satisfy or protect the claim;  
or
- if processing concerns the data that were explicitly made public by the personal data subject

### **Composition and content of the processed personal data and sources of the respective data**

Content and scope of personal data processed by the Bank depend greatly on the type of relations between the Bank and the respective personal data subject, including for customers of the Bank – personal data subjects the content and scope of personal data processed by the Bank depend on the products and services requested or approved by the customers of the Bank.

The content of personal data processed by the Bank consists of the information provided by private individuals – personal data subjects or legally received from the representatives of the respective individuals or third parties, including from credit bureaus, the credit register of the National Bank of Ukraine, from BankID System of National Bank of Ukraine, from persons that the personal data subjects represent or received by the Bank from open sources (for example, from the United State Register of Legal Entities, Individual Entrepreneurs and Public Organizations of Ukraine), and includes the information that became known to the Bank in course of fulfilling the contractual obligations and other legal relations with the respective private individuals and other persons that are customers/contractors of the Bank in the respective relations, via audio record (record of the phone calls of the employees of the Bank with the personal data subjects/their representatives) and photo and video filming and was received from open sources.

The Bank processes the personal data of private individuals received from third parties, if it is provided in the law of Ukraine or if the respective third parties guarantee that the respective transfer is carried out in compliance with the requirements of the law of Ukraine and does not violate the rights of private individuals, whose personal data is transferred to the Bank.

The Bank processes the personal data in the following composition:

- Name, surname, patronymic; tax ID;
- Address (actual place of residence and state registration), terms of residence, nationality;
- Education, profession, specialization, service record and information on the place of work and position;
- Data on age (date and place of birth), marital and family status, relatives;
- Data, copies, pictures of the documents issued on the name of the private individual or on behalf of the private individual;
- Information of the identification of the person (for example, signature sample, information of the identity card);
- Data on financial identification (data from payment cards (credit, debit cards etc.));
- Financial status, income, types of accruals and withdrawals (for example, type and amount of income, regular obligations regarding the payment for the education of children, loan repayment, lease pay etc.);
- E-mail addresses, telephone numbers and other electronic identification data;
- Audio records/voice records (for example, records of phone calls), pictures and videos (for example, during photo- and video-identification, verification of customers), as well as the data on the correspondence and other data comparable to the above stated category;

- Credit history and any information on the status of the fulfillment by the private individual of the obligations under the agreements concluded with the Bank and other legal acts;
- Information on the actions of the private individual and their results that took place during the fulfillment of the agreements concluded with the Bank, including data of payments and settlements (for example, payment orders etc.);
- marketing data and electronic logs and identification data (application, cookie files, etc.);
- certain categories of personal data, processing of which constitutes a particular risk for rights and liberties of personal data subjects, in particular: membership in political parties and/or organizations, professional unions, religious organizations or civil organization of religious orientation; administrative offenses or criminal record; application to the person of measures in the framework of pre-trial investigation or measures stipulated in the Law of Ukraine On Operative Investigation Activity; data on health condition, location and/or movements of the personal data subject;
- other information that became known to the Bank in course of legal relations with private individual when fulfilling the requirements of the law of Ukraine and bylaws of the Bank.

With the view to provide the quality and security of servicing, carrying out of identification/verification of customers, the Bank records the phone calls of private individuals with the employees of the Bank, provides photo/video filming including on the premises and in ATMs of the Bank on magnetic and/or electronic carriers and uses the results of records/filming, including as evidence. The data from the video surveillance system (photo and video filming on the premises and in ATMs of the Bank), audio/phone calls records with the employees of the Bank may be used in each separate case both by the Bank and by the authorized state bodies, including by the court (as evidence in criminal proceedings), by the law enforcement bodies (for security purposes), courts (as evidence in civil and commercial cases), employees of the Bank, witnesses of the violations, victims of the violations (to satisfy their claims), insurance (only to settle insurance claims), lawyers and other bodies to fulfill the functions of the law enforcement bodies purposes.

### **Persons granted with the access to personal data and/or to which personal data are transferred**

Within the Bank, access to personal data is granted to units and/or specific employees of the Bank for fulfillment of their service (job) duties related to implementation of contractual, legal and/or regulatory obligations of the Bank and exercising of Bank's legal interests. Each employee of the Bank signs an agreement on non-disclosure of the information, to which he/she has an access.

An access to personal data of private individuals is provided by the Bank to private individuals and organizations (including personal data controllers) in order to ensure exercising of their functions or provision of services to the Bank (including IT and back-offices), as well as to companies ensuring the implementation jointly with the Bank of promotional programs, loyalty programs and other promotional events, the right for participation in which is provided to the personal data subjects, according to agreements concluded between such persons (organizations, companies) and the Bank for that period and to that extent of data necessary for them in order to provide the respective service, holding common promotional programs, loyalty programs and other promotional events. All personal data controllers granted with the right to process such data on behalf of the Bank undertake to process such data confidentially and only for the purpose to provide the Bank with the respective services.

If the customer selected mobile application FAIRO for receipt of services, the Bank shall process personal data jointly with FAIRO LLC (EDRPOU 43659053). The Bank transfers FAIRO LLC personal data of the customer for their processing for the purposes of (a) marketing campaigns

holding; (b) reflection of the respective information in mobile application FAIRO and (c) support of customers.

The Bank transfers personal data of individuals – customers of the Bank or provides access to these data upon the request of state authorities and persons listed in Article 62 of the Law of Ukraine On Banks and Banking, upon the occurrence of grounds established by the legislation of Ukraine for disclosure of bank secrecy to third parties, as well as to other persons on the basis of duly executed written permission of these personal data subjects or terms and conditions of agreements entered into with the Bank and other transactions.

The Bank transfers personal data of individuals – customers of the Bank to the credit register of the National Bank of Ukraine and to the Bureau of Credit Histories for obtaining and generating a credit history according to the procedure and in scopes provided for by the legislation of Ukraine; to BankID System of the National Bank of Ukraine (participants of the System - service providers) for provision of electronic remote identification of customers, pursuant to the requirements of the law of Ukraine (upon request and confirmation of the consent for the transfer of personal data owner's data), as well as to insurers for the purpose of exercising rights and/or fulfilling Bank's obligations as a beneficiary.

The Bank transfers personal data of individuals to its parent company – Raiffeisen Bank International AG and other shareholders of the Bank and controllers of the Bank's personal data base or subcontractors of such controllers, including those located outside Ukraine in other countries. They have to comply with European standards for data protection and security, including GDPR requirements. More information on this can be obtained from the Data protection Officer.

The Bank shall notify the personal data subject on the transfer of personal data to third parties, including, personal data controllers within ten working days, if it is required by the terms and conditions of his/her consent or unless otherwise stipulated by the legislation of Ukraine / the European Union if applied to the Bank.

In particular, the Bank does not send such notification in cases when the personal data subject in the text of the agreement directly refused to receive from the Bank notifications on the transfer of personal data to the third party, including controllers, and/or the subject is informed about the terms and conditions of the Bank's processing of his/her personal data along with the provision of the consent/signing of the agreement with the Bank.

Also, the Bank does not receive from the personal data subject a separate consent for the transfer of his/her personal data to third parties and does not notify the personal data subject on the transfer of his/her data to third parties in cases when such data transfer is necessary for the implementation of the agreement concluded between the Bank and this personal data subject and/or is provided for in the terms and conditions of this agreement.

### **Where and how the Bank stores personal data**

Personal databases processed by the Bank are placed on own servers located on the territory of Ukraine.

In order to ensure proper personal data processing, the Bank takes the respective organizational and technical actions, in particular:

- Personal data pseudonymization and encryption;

- Continuous support of confidentiality, integrity, accessibility of personal data, stability of systems and services of processing;
- Ensuring timely renewal of access to personal data in case of an emergency or incident;
- Regular testing, evaluation and measuring efficiency of technical and organizational actions to ensure processing security;
- Only the persons with a respective permission get access to the personal data, for the purposes stipulated by the law;
- Implementation of security policy regarding personal data processing;
- Regular training of employees in personal data protection.

### **Terms of personal data storage**

The Bank processes personal data as and when required within the whole duration of all business relationships with the respective personal data subjects (starting from entering into agreement/ordering of service, their implementation and ending with the termination of the respective agreement and servicing Bank's customers), as well as till the expiration of terms of information storage (documents with such information) defined by the terms and conditions of the concluded agreements or Ukrainian legislation, including by the Law of Ukraine On prevention and counteraction to legalization (laundering) of illegal income, terrorism financing and financing of proliferation of mass destruction weapons, Rules of using the list of documents generated during the activity of the National Bank of Ukraine and Ukrainian banks, as approved by the Board Resolution of the National Bank of Ukraine No. 130 of November 2, 2018, and by internal documents of the Bank. Taking into account the requirements of Article 268 of the Civil Code of Ukraine regarding the non-application of the action limitation period to the depositor's demand to the bank (financial institution) on deposit repayment, all information related to the customers' accounts and operations under the deposits shall be stored by the Bank on the permanent basis.

### **On mandatory provision of personal data to the Bank**

Within the framework of business relations, the personal data subjects have to provide the Bank with all personal data necessary for the Bank to make a decision on entering into the relevant agreement (conclusion of the transaction) and for its further implementation, including those personal data that the Bank collects to meet the requirements of Ukrainian legislation. If the personal data subjects refuse to provide the Bank with the data requested by it, the Bank refuses to conclude the agreement or ceases to fulfill its obligations under the previously concluded agreement (transaction), or the Bank terminates the agreement, if the subject's failure to provide the personal data requested by the Bank deprives the Bank of the possibility to implement the agreement in future. Personal data subjects are not required to provide their personal data to the Bank, if such data are not necessary for the conclusion and implementation of the agreement or are not required by law and internal documents of the Bank.

Conclusion and implementation of the agreement between the Bank and personal data subject are independent ground for processing of personal data of this subject by the Bank, so provision the Bank by the personal data subject with the separate consent for personal data processing is not required for conclusion of the agreement between them.

In cases when the Bank processes personal data on the basis of the consent of the personal data subject, the latter may partially or fully withdraw his/her consent to the personal data processing provided to the Bank with his/her corresponding request in a form, which allows identification of this private individual.

If the personal data subject withdraws his/her consent to the processing of personal data, but at the same time the Bank has other legitimate grounds for processing of data of this individual, the Bank



continues processing of personal data of such individual in the scope, content and manner that are necessary for exercising the rights, fulfillment of obligations arising from such grounds for personal data processing by the Bank (implementation of the agreement entered into with the personal data subject, exercising of rights and fulfillment of obligations under such agreement, fulfillment of the Bank's obligations stipulated by the law, protection of the legitimate interests of the Bank or a third party, to which the Bank transfers personal data, etc.).

### **On automated decision making**

In general, the Bank does not use fully automated way of decision making for establishment and/or maintenance of business relationships. If the Bank uses such procedures in each specific case, the Bank will inform on this the personal data subject in the respective way according to the law.

### **Miscellaneous**

Article 7 of section I of the Rules of banking services for individuals in JSC RAIFFEISEN BANK (hereinafter – Rules) contains the specific features of personal data processing when entering into and fulfilling the banking services agreement. The Rules are placed at the Bank's website: <https://raiffeisen.ua/documents>.

You can find additional information on application of the special legislation in the sphere of personal data protection at the official website of Ukrainian Parliament Commissioner for Human Rights: <http://www.ombudsman.gov.ua/ua/page/zpd/>.

### **Changes of the Notification**

In case of any changes to this Notification, the Bank will publish the last version of the document on this webpage and change its effective date. Please review this Notification periodically for the changes (at least once a month).

### **Regulatory acts related to the protection of personal data**

[Law of Ukraine on Protection of Personal Data №2297-VI of June 1, 2010](#)

[Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28.01.1981](#)

[Additional Protocol to the Convention regarding supervisory authorities and transborder data flows of 08.11.2001](#)

[Regulation of the European Parliament and of the Council No 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data \(General Data Protection Regulation\)](#).