

Information note on the processing of personal data on joint debtors and natural person guarantors in credit agreements executed by some of the natural person clients in the circumstances of the applications for the suspension of payments for credits according to GEO No 37/2020

-version of 15.02.2021-

I. CONTEXT

The present information note, hereinafter referred to as the “Note” is intended to provide relevant information according to articles 12 and 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council 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, and repealing Directive 95/46/EC (EU Regulation), hereinafter referred to as the “EU Regulation”, in the circumstances of processing of personal data by the Data Controller mentioned below, in the circumstances generated by the processes on the application of GEO No 37/2020 on the provision of facilities for credits issued by credit institutions and non-banking financial institutions to specific categories of debtors,

as further amended and supplemented by GEO No 227/2020 hereinafter referred to as “GO No 270/2020”; thus, the phases of the processes mentioned above regard the submission of applications for the suspension of payment, via various channels, by the clients of Data Controller, legal entities which are borrowers (other than self-employed persons, sole traders and professionals with liberal professions) by visits to the site of the Data Controller, via email etc., the review of such applications by the Controller, provision of answers, maintenance of communication between the Operator, legal entity clients and Data Subjects (defined below), monitoring of the performance credit facilities and any other steps to the Data Controller according to the relevant law (such as GEO No 99/2006 on credit institutions and capital adequacy, GEO No 37/2020, GO No 270/2020)

Data Subjects refer to the clients of UniCredit Bank SA (the “Bank” or the “Data Controller”), respectively natural entities who are joint debtors and guarantors on the credit agreement executed between the Bank and the borrowers legal entities, other than self-employed persons, sole traders and professionals with liberal professions.

Thus, the present information note supplements for the Bank clients the provisions of the information note on the processing of personal data already in their possession and an integral part thereof; the present note is available permanently on www.unicredit.ro/notificari/Nota-GDPR-privind-garantii-si-codebitorii-persoane-fizice-din-contractele-de-credit-semnate-de-unii-clienti-persoane-juridice.pdf. Data subjects are encouraged to check the Controller’s website periodically to become informed on potential revisions/updates of these information notes. This note is also available in the Bank offices.

II. DATA CONTROLLER’S IDENTIFICATION DATA

UniCredit Bank S.A., a company administered in a two-tier system, having its legal seat in Romania, Bd. Expoziției nr. 1F, Bucharest, Sector 1, duly registered with the Trade Register under No J40/7706/1991 and in the Bank Register under No RB- PJR-40-011/18.02.1999, sole registration code 361536, fiscal attribute RO, subscribed and paid-in share capital of RON 455,219,478.30. The Controller processes your data in good faith and in accordance with the provisions of the EU Regulation. The personal data have been provided by you to the Controller in the circumstances of your business relationship with the Controller.

III. Personal data Categories of

processed personal data are:

1. Name, surname, phone number, email address, address of domicile and residence, personal number code, other data from the identification document;
2. Data in the application for the suspension of payments for the credits and in the Controller's answers;
3. The contents of communications (including electronic communication via channels such as email between the Controller and Data Subjects and vice versa), transmission dates of such communications;
4. data contained in

agreements signed by the Data Subject (guarantor); 5. any other similar categories of persona data derived from the application of the law, of the contract executed with the Controller.

IV. Purposes and grounds for the processing of personal data.

1. performance of the required formalities for the review, approval and implementation of the suspension of payment obligations of the Data Subjects (according to the credit agreements), the grounds for processing being the performance of the agreement and the legal obligation, according to art. 6, para. 1, (b) and (c) of the EU Regulation, provisions of the relevant legislation (e.g., GEO No 37/2020, GO No 270/2020) and art. 9, para. 2, (g) of the EU Regulation; 2. performance, within the actual relationship with each client, of all activities related to the amendment and/or execution of the funding/ guarantee agreement, including the remote submission of the contractual documentations to the Data Subject (e.g., email), the grounds of the processing being the performance of the agreement, according to art. 6 (b) of the EU Regulation; 3. performance of the KYC analysis, of the risk analysis, and of the reporting of suspect transactions (art. 6, para. 1), (c) of the EU Regulation, respectively for the observance of a legal obligation, corroborated with the KYC legislation for the prevention of money laundering and financing of terrorism (e.g., Law No 129/2019 on the prevention and countering of money laundering and funding of terrorism, as well as for the amendment of some regulatory documents and the NBR No 2/2019 on the countering of money laundering and funding of terrorism); 4. for the execution of operations related to the inspections performed by authorities, such as ANAF, ANPC, ASF, BNR, ANSPDCP etc. and respectively for the observance of legal obligations of the Data Controller, including those on risk management or those deriving from administrative acts issued by competent authorities in for the application of the law, the grounds of the processing being the legal obligation, according to art. 6, para. 1 (c) of the EU Regulation; 5. for the collection of debts/recovery of book debts you owe to the Controller, execution of prior assessments (e.g., risk, financial), according to agreements which are executed or will be executed by the Controller with its partners and to the legitimate interest of the Controller to recover the debts related to the existing contractual relationship with the Data Subject and to protect its rights in front of any person, including courts (art. 6, para. 1) (b) and (f) of the EU Regulation); 6. for the interrogations/ reports from/ to the Central Credit Register, if necessary (article 6, para. 1) (c) of the EU Regulation and National Bank of Romania Regulation No 2/2012 on the organisation and operation of the National Bank of Romania and of the Central Credit Register), should you purchase a credit higher than or equal to RON 20,000 and/ or if the joint level of your commitments towards the Data Controller is higher than or equal to this reporting limit amount, as well as in case of credit card fraud perpetrated by the card holder.

V. Duration of the processing of personal data

Processing (including storage) is performed throughout the validity of the agreements, respectively 10 years from the end of the contractual relationship, unless the applicable legal provisions specify storage for a longer period. Personal data sent to the Central Credit Register are stored by the Register for 7 years following the latest update,

VI. Data Controllers/ Data Processors and Data Recipients

Personal data can be submitted to the Data Subject, to the representatives of the Data Subject, to other companies in the same group with the Data Controller, service providers of the Controller and its partners (e.g., companies which print, manage and/or submit communications/notifications, document archive-storage companies, courier services, contact service providers/ Call Centres, telecom operators, legal advisers), providers of technical processing services, payment facilitators, debt collection agencies/ debt and goods recovery companies, also held by the confidentiality obligation regarding the transmitted data, law courts . Personal data can also be disclosed by state authorities according to their competence and applicable legislation, such as the National Bank of Romania, ASF, ANAF, National Office for Prevention and Control of Money Laundering etc. Data sent to third parties shall be adequate, pertinent and non-excessive compared to the purpose for which they have been collected and which allow the transmission to a particular third party.

VII. International transfer

As a rule, data generated by processing derived from GEO No 37/2020 are not transferred outside of the EU. Should your data be transferred to other companies/ entities in countries outside the EU/EEA, you shall be notified and benefit from the guarantees specified under article 44-49 of the EU Regulation. The Data Controller can be contacted for the procurement of additional information on the provided guarantees for the protection of personal data in the case of each transfer abroad, by means of a written application to that end.

VIII. The rights of the Data Subject

As a Data Subject, you benefit from the following rights exclusively related to your personal data, specified in the EU Regulation: right of access to the data according to art. 15; the right to rectification of data, according to art. 16; the right to erasure of data, according to art. 17; the right to restriction of data processing, according to art. 18; the right to data portability according to art. 20; the right to protest against, according to art. 21; the right to not be subject to an automated individual decision-making process, including profiling, according to art. 22; the right to contact the National Supervisory Authority for Personal Data Processing and the legal system. We specify that, according to article 7, para. 3 of the EU Regulation you are entitled to withdraw your consent at any moment with regard to the processing operations performed on this legal ground, with the specification that the validity shall continue for the processing performed until the withdrawal of the consent. For the exercise of these rights, the Data Subject can contact the Data Controller involved in the contractual relationship as follows: to the Bank: mailing address Bulevardul Expozitiei, nr. 1 F, sector 1, Bucuresti, postal code 01210, or via email at infocenter@unicredit.ro, respectively by calling +40 21 200 2020 (normal toll number in the land line network of Telekom Romania) or *2020 (normal toll number on the mobile networks of Telekom Romania, Orange, RCS&RDS, Vodafone);. The right to contact the legal system and the supervisory authority shall be exercised by means of a written application submitted by you to the competent court, according to the Law, or to the supervisory authority.

Should you submit a request for the exercise of your rights on the protection of personal data, the Data Controller must reply to this request within one month following the receipt of the request, in the circumstances specified under the EU Regulation. This period can be extended by two months when required, also considering the volume and complexity of requests. The Data Controller reserves the right to establish a fee in the case of repeated requests, according to the EU Regulation. Also, please be informed with regard to the contact data of the Data Protection Manager: dpo@unicredit.ro.

The Data Controller guarantees that they process your data in legitimacy conditions, also implementing adequate technical and organisational measures to ensure the integrity and confidentiality of data according to article 25 and 32 of the EU Regulation. Should the Data Controller intend to perform subsequent processing of personal data for other purposes than those for which they have been collected, the Controller shall provide the Data Subject with information on the respective secondary purposes, prior to this subsequent processing, and any relevant additional information, according to the EU Regulation.

Date _____

Data Subject _____ Signature
