

# Data Protection Information

## Articles 13, 14 and 21 GDPR

This document tells you how we process your personal data and your claims and rights under data protection regulations at SüdFactoring GmbH.

### 1. Who is responsible for data processing and who can I contact?

Responsible office:	You can contact our Data Protection Officer at:
SüdFactoring GmbH Pariser Platz 7 70173 Stuttgart Phone: +49 711 1271-0 Fax: +49 711 1271-10 E-Mail: <a href="mailto:info@suedfactoring.de">info@suedfactoring.de</a>	SüdFactoring GmbH Data Protection Officer Pariser Platz 7 70173 Stuttgart Phone: +49 711 127-14020 Fax: +49 711 1271-10 <a href="mailto:datenschutz@suedfactoring.de">datenschutz@suedfactoring.de</a>

### 2. Which sources and information do we use?

We process personal data we receive from you within our business relationship. As far as this is necessary for the provision of our services, we process data obtained from other companies of the LBBWGroup or from other third parties (e.g. Creditreform). We also process personal data that we are authorized to collect from additional public sources and allowed to process (e.g. debtor records, land register, commercial and association registers, press and other media).

In particular, relevant personal data may be:

- Personal information (name, date of birth, place of birth, nationality, occupation/division and comparable information)
- Contact information (address, e-mail address, telephone number and comparable information)
- Identification data (ID, registration data and comparable data)
- Bank account (IBAN, BIC)
- Information on your financial situation (creditworthiness, including scoring and data on assessment of credit risk)
- Data from the transactions brokered for you (insurance, software, maintenance contracts and comparable data)
- Data from your information during consultations
- Name, address and bank account of the borrower affected by an undisclosed assignment
- Data on your use of our telemedia (e.g. time you uploaded our websites, apps or newsletter, clicked pages of ours or entries and comparable data)

### 3. On what legal basis do we process your data?

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 Complying with contractual obligations (Article 6 Para. 1 letter b) GDPR)

Personal data is processed (Article 4 No. 2 GDPR) for the purpose of initiating or carrying out our contracts with you and to execute our orders, as well as all activities required to operate and manage a financial services institution. In particular, the processing thus serves for the purpose of carrying out and brokering of commercial transactions, particularly financial services and insurance transactions and related contractual services (e.g. software and maintenance contracts). The purposes of processing data are primarily based on the products you have selected and include the services required for this purpose.

Personal data is also processed to perform the contract from an assigned right with the data subject. The processing also serves for the purpose of administering receivables sold or assigned to SüdFactoring by way of security. Under Article 14(5b) GDPR and section 33(2) FDPA no information under Article 14 (1 and 2) GDPR may be disclosed.

You can find out more about the purpose of data processing from the respective contractual documents and terms and conditions.

#### 3.2 Balancing interests (Article 6 Para. 1f GDPR)

If necessary we process your data on the actual performance of the contract in order to safeguard our or a third party's legitimate interests.

- Consulting and exchanging data with credit reference agencies (e.g. Creditreform) in order to obtain banking information to assess credit rating or default risks;
- Exchange of documents and information with the refinancing company;
- Testing and improving methods for needs analyses and directly addressing customers;
- Advertising or market and opinion research, insofar as you have not objected to the use of your data;
- Asserting legal claims and defenses in legal disputes;
- Safeguarding IT security and IT operations at SüdFactoring;
- Preventing and investigating criminal offenses;
- Video surveillance systems to exercise Bank domiciliary rights and to preserve evidence in the case of criminal offenses;
- Measures to safeguard buildings and facilities (e.g. entry controls);
- Measures to safeguard Bank domiciliary rights;
- Communication between our direct contact partners and you
- Communication with sales partners.

#### 3.3 Based on the consent you have given (Article 6 Para. 1a GDPR)

You may withdraw your agreement to process your personal information for specific purposes at any time. Please note that a withdrawal only applies for the future. Processing carried out before the withdrawal is made is not affected and remains lawful.

#### 3.4 On the basis of statutory provisions (Article 6 Para. 1c GDPR)

In addition, we are subject to various legal obligations as a financial services institute, i.e. legal requirements (e.g. from the German Banking Act, German Money Laundering Act, various tax laws) and regulatory requirements on banks (e.g. European Central Bank, European Banking Authority, Deutsche Bundesbank and the German Financial Services Supervisory Authority). Processing may involve credit rating checks, identity verification, fraud and money laundering prevention, compliance with legal tax monitoring and reporting obligations and the evaluation and control of risks, for example.

### 4. Who receives my data?

Within SüdFactoring, your data is received by employees who need it to fulfill our contractual and legal obligations. For example your data is **only** forwarded to external parties:

- In connection with the processing of the contract (e.g. to traders, suppliers, refinancing institutes, brokers, credit reference agencies etc.)
- If SüdFactoring is obliged by law to provide information or notification (e.g. to the Federal Financial Supervisory Authority on the basis of the German Banking Act or to tax authorities due to tax regulations etc.);
- If external service providers process data of SüdFactoring on their behalf (e.g. postal service providers, archiving and document management, IT service providers, service companies of the LBBW Group or companies for waste disposal, marketing, etc.);
- If necessary, to lawyers;
- Collection service providers if there are disruptions of the contractual relationship
- Or if you have given us consent to transfer your data to third parties.

**Furthermore, we will not share your data with third parties.** To the extent that we mandate commission service providers, your data will be subject to the same security standards as ours.

### 5. How long will my data be stored?

Where necessary, we process and store your personal data for the duration of our business relationship, which, also includes the initiation and execution of a contract.

We are also subject to various storage and documentation obligations arising from, e.g. the German Commercial Code (HGB)<sup>1</sup>, the German Tax Code (AO)<sup>2</sup>, the German Banking Act (KWG)<sup>3</sup>, the German Money Laundering Act (GwG)<sup>4</sup> and the German Securities Trading Act (WpHG). The specified time limits for storage and documentation range from two to ten years.

Lastly, the storage period is also evaluated in accordance with statutory limitation periods, which, for example, in the case of sections 195 et seq. of the German Civil Code (BGB) are three years or up to 30 years.

### 6. Will data be passed on to a third country or an international organization?

Data is transferred to third countries (countries outside the European Economic Area (EEA)) only if it is necessary to execute your orders, the law prescribes this or if you have given your consent. We will provide further details separately.

### 7. What are my data protection rights?

You have:

- The **right to information** on your personal data under Article 15 GDPR and under certain conditions.
- The **right of rectification** under Article 17 GDPR if your personal data is incorrect.
- The **right to erasure** under Article 17 GDPR if there are no retention obligations that conflict with deletion.
- The **right to restriction of processing** under Article 18 GDPR.
- The **right to object** to the processing of your personal data.
- The **right to data portability** under Article 20 GDPR, i.e. the right to receive your data in a structured, common and machine-readable format and to transfer it to a third party.

In addition, you have the right to lodge a complaint with a supervisory authority (Article 77 GDPR). These can be addressed to our data protection supervisory authority:

**State Officer for Data Protection in Baden-Württemberg**  
Königstrasse 10a  
70193 Stuttgart  
Phone: +49 711 615541-0

### 8. Am I required to make data available?

Within the scope of our business relationship, you will need to make available personal data needed to open and perform a business relationship or if the law requires such data to be collected. Without such data, we will normally not be able to conclude a contract or execute an order or able to continue to perform an existing contract and will have to terminate it if necessary.

In particular, under money laundering regulations we are obliged to identify you (e.g. using your identity document) before opening the business relationship and ascertain your name, place of birth, date of birth, nationality and residential address. To allow us to meet this legal obligation, the German Money Laundering Act requires you to provide us with the necessary information and documents and notify us of any changes immediately during the course of the business relationship. If you do not provide us with the necessary information and documents, we are prohibited from meeting your request to open a business relationship.

### 9. Does automated individual decision-making take place?

We normally do not use automated individual decision-making under Article 22 GDPR when opening and performing business relationships. If we do so in individual cases, we will inform you separately, provided that this is legally permissible.

### 10. To what extent is my data for profiling (scoring)?

In some cases we process your data in an automated manner to evaluate certain personal aspects (profiling). For example, we use these methods to assess your creditworthiness and to combat money laundering and fraud. So-called score values can be used to assess your creditworthiness. The probability is calculated in scoring and rating that a customer will meet their payment obligations in accordance with their contract. The calculated score values and thus the creditworthiness rating levels help us to reach a decision when selling a product and are fed into our risk management. The calculation is based on a mathematical-statistical recognized and proven practice and is based on the following types of data that we have stored:

- Payment behavior (e.g. account turnover, balances and comparable data)
- Financial data (rate amount, term and comparable data)
- Data on sales, profit and loss
- Customer data (duration of customer relationship, number of leasing and rental contracts at the institute and comparable data)
- Company name
- Industry
- Ongoing contractual relationships

Particularly sensitive data is not processed under Article 9 GDPR.

#### Information on your right to object

- 1) If your particular situation gives rise to reasons that conflict with the processing of your personal data based on Article 6 Para.1f GDPR (data processing based on balancing interests No. 3.2) you have the right to object at any time; this also applies to profiling within the meaning of Article 4. No. 4 GDPR. If you object, we will no longer process your personal data, unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing is used for the establishment, exercise or defense of legal claims.
- 2) We may also process your personal data in order to perform direct marketing. If you do not wish to receive any marketing, you have the right to object at any time, this also applies to profiling to the extent that it is related to such direct marketing. We will note this objection for the future.

If you object to processing for the purposes of direct marketing, we will no longer be able to process your personal data for these purposes.

#### Your objection should be addressed to:

SüdFactoring GmbH  
Pariser Platz 7  
70173 Stuttgart  
Fax +49 711 1271-10  
E-mail address [datenschutz@suedfactoring.de](mailto:datenschutz@suedfactoring.de)

<sup>1</sup> Sections 238, 257 (4) HGB.

<sup>2</sup> Section 147(3, 4) AO.

Date: 18 May 2018

<sup>3</sup> Section 25a (1) sentence 6 no. 2 KWG.

<sup>4</sup> Section 8 (3) GwG and section 7 (4) new GwG