

FOR YOUR INFORMATION

THE TAPING OF INTERBANK TRADING TRANSACTIONS

I. Transparency

In the case of processing any personal data through various media (ICT), KA Finanz AG always strives to achieve compliance with the provisions of the European General Data Protection Regulation (GDPR - REGULATION (EU) 679/2016) as well as the Austrian Data Protection Act (ADPA - DSG = DSG 2000 BGBl I 1999/165 in current version BGBl. I 2018/24) and in accordance with other special provisions which apply to the particular business case and its purpose. Therefore, KA Finanz AG ensures transparent information, communication and modalities for the exercise of rights in favor of our business partners - more specifically - in relation to privacy rights of participating individuals (customers / third parties / employees) in their capacity as a data subject.

The following information is brought to your attention (see section II. below) regarding the taping of our **common interbank trading transactions**, where our employees execute business and where we are - besides the contractual obligation - legally obliged to record our trades, which are **performed over the phone** or where we do have at least a predominant interest herein to do so.

We confirm the documented consent of our employees that - besides trades secrets - all of them are obliged to adhere to privacy and banking secrecy (para. 6 Austrian Data Protection Act and para. 38 Austrian Banking Act) and we assume that documented level of security/privacy in your company too.

II. Information on taping pursuant to Article 13 (Article 14) GDPR and MIFID II (Regulation 2014/65/EU) as well as to the delegated REGULATION (EU) 2017/565 (supplementing Directive 2014/65/EU) and the implemented Austrian Securities Supervision Act (WAG 2018)

We herewith inform you about the taping of yours and ours employee's personal data and their claims and rights they have under data protection/privacy law. In principle any content and extent of data processing is governed by the purpose and specs of our products and services you/we have applied for or agreed on with us/you.

a.) Who is responsible for processing and who can your employees turn to?

Responsibility for data processing lies with:

KA Finanz AG, Taborstraße 1-3, 1020 Vienna, Austria T +43 1 310 06 06, F +43 1 310 06 06-660 info@kafinanz.at, www.kafinanz.at

The **data protection officer** of KA Finanz AG is:

Mag. Karin Horvath, LLB

Taborstraße 1-3, 1020 Vienna, Austria T +43 1 310 06 06

info@kafinanz.at

Your employees can exercise their privacy rights as laid down by Art 15 up to Art 22 GDPR including the consideration of interests and legal framework conditions. The informational right laid down in Art 15 GDPR, can be executed in a non-excessive way as otherwise we would be entitled to bill a fee. If you think that in processing your employee's data we are infringing statutory data protection provisions, please contact us so we can discuss your concerns.

Your employees can also address any complaints they might have to the competent data protection authority: Datenschutzbehörde | Wickenburggasse 8-10 | 1080 Vienna | www.dsb.gv.at

b.) What information and on which legal ground will be stored?

In order to execute our interbank contracts over the phone, we are firstly - based on legal requirements (like recital 57, Art 16 MIFID II and Art 76 delegated Regulation (EU) 2017/565 and Art 33 WAG 2018) - obliged to record in order to avoid any conflict of interest and assure compliance with any other legal provision applicable for the transaction. In the light of the GDPR this will be lawful processing pursuant to Article 6 (1) (c) GDPR.

On the other hand, processing of contracts concluded over the phone will be contract based lawfully processing in the sense of Art 6 (1) (b) GDPR. And at least we would have a predominant and legitimate interest based on Article 6 (1) (f) GDPR, because such processing of trades which are conducted over the phone can't otherwise be made traceable in case of an unexpected occurred (but not immediately detected) mistake/misunderstanding.

So, taping and storing of such records is performed lawfully and purpose oriented. By storing the personal audio data besides the business content (name, contact data of the employee) we follow the principle of storage limitation being processed by a legally compliant outsourced professional IT Partner. Any unnecessary content will be - observing legal retention periods - deleted.

c.) How long will be the records stored?

The records stored will be made available upon request of your employees/your bank in order to execute an individual informational right laid down by privacy law or to check the specs of the executed transaction. Records will be stored for five years pursuant to Art 33 (9) WAG 2018. If required by the competent authority (Financial Market Authority), they will be kept for up to seven years under sufficient technical and organizational measures.¹

d.) Amendment of data privacy information

Please note that further privacy information is available on our webpage. We may amend the present data privacy information as and when necessary. You will always find the most recent version of this information on our website at: www.kafinanz.at/datenschutz

¹ Compare ESMA Q/A on MIFID II and MiFIR investor protection and intermediary's topics, point 3.