

## Notice on personal data processing by ING Bank Śląski S.A.

ING Bank Śląski S.A. presents the following information as required under the Regulation of the European Parliament and of the Council on personal data protection:

### Legal grounds

Regulation 2016/679 of the European Parliament and of the Council (EU) of 27 April 2016, Official Journal of the European Union L.2016.119.1 of 4 May 2016, effective as of 25 May 2018 (hereinafter referred to as Regulation).

The following terms were used herein:

**We, or the Bank** – ING Bank Śląski Spółka Akcyjna with its registered office in Katowice. For detailed information about the Bank, including about the Bank's entry to the court register, Tax Identification Number (NIP) and address of the Polish Financial Supervision Authority (the regulator) see the bottom of each page of this document (footer).

**You, or the Client** – a natural person whose personal data are processed by the Bank for at least one of the purposes set out herein. We decided to use the direct phrases to make our text more transparent.

### 1. Bank – your personal data controller, contact details of the Bank and our Data Protection Officer.

ING Bank Śląski S.A. is the controller of your personal data. It runs business in line with its Charter, including brokerage business in an organisationally separated ING Bank Śląski S.A. Brokerage Office. The Bank's registered office is in Katowice, postal code PL 40-086, at ul. Sokolska 34, website: [www.ing.pl](http://www.ing.pl). You may contact the Bank's Data Protection Officer by contacting us – preferably with a postscript "Data Protection Officer" – at the Bank's postal address or electronically: [abi@ing.pl](mailto:abi@ing.pl). You may also use the Bank's electronic address: [info@ing.pl](mailto:info@ing.pl) or call us at: 32 357 00 69.

### 2. What institution supervises personal data processing?

At present, the President of the Office of Personal Data Protection is the supervisory authority for personal data in Poland. You have the right to file a complaint with the supervisory authority.

### 3. Can you file an objection or withdraw a given consent or authorisation?

You may file an objection to specific data processing – especially for marketing purposes. The Bank will investigate whether your objection is legitimate. If the objection concerns data processing for marketing purposes, it will be acknowledged by the Bank; unless at the same time you uphold your consents to data processing for marketing purposes or you grant such consents during the objection investigation process or afterwards. All consents are given freely. You may withdraw all or some consents to personal data processing at any time. The withdrawal mode is specified for a given process. A data processing consent may be necessary for a given activity. The withdrawal of a consent does not impact the Bank's right to process data for the purpose stated therein before its withdrawal. It is also possible that the Bank will be legally authorised to process data on another legitimate basis or for another purpose.

If you mandate the Bank to transfer information covered by bank secrecy, you may withdraw your mandate and we will no longer transfer the data and information referred to therein.

If, following the mandate, you conclude an agreement with another entity that receives such data, please check whether withdrawal of the mandate – relevant to your agreement or laws – will not bring any other legal effects. If you withdraw your mandate, it may happen that your agreement will not be performed in full or in part.

#### 4. For what purposes do we process your personal data?

The Bank processes your data for the following purposes:

- a. acting in line with the consent given – e.g. for marketing purposes or credit capacity assessment and risk analysis purposes once the liability has expired. As regards minors (above 13 years of age), trade information is transferred for marketing purposes after obtaining consent from a parent or guardian (statutory representative). Personal data may be combined and further processed for marketing purposes when using publicly available websites upon acceptance of relevant declarations/consents or policies. Consents or mandates are given on the following legal grounds: Regulations, community law (European Union law) or Polish law applicable to banks or acts, secondary legislation specifically concerning a given consent/mandate, including: banking law, act on trading in financial instruments, act on provision of economic information, act on provision of electronic services, telecommunications law;
- b. reviewing a request or activities preceding its submission, or connected with conclusion, performance or termination of the agreement and performance of other activities relating to the agreement, including activities preceding its conclusion. These are: analysis, risk assessment, other activities in the process of concluding, performing or terminating the agreement. These can also be other activities or declarations relating to the agreement, including collateral of liabilities repayment or activities or declarations relating to representation of a natural person (e.g. power of attorney or activities of a parent/guardian), including the activities of the same representative, and also activities commissioned by other entities but relating to customer service. We mean all agreements or activities, also the ones we perform on behalf of other entities or for them. We may also need an additional consent or launch a specific service or function to perform some services for you, e.g. geolocation of ATMs or bank outlets in the application;
- c. discharging a legal obligation. Such obligations result from the law, including: community law (European Union law) or Polish law applicable to banks, e.g. banking law, act on trading in financial instruments, consumer credit act, act and other regulations on providing payment services. These are in particular: obligation to keep secure stored funds or obligation to transfer and upload data to/from databases on credit capacity or creditworthiness assessment or risk analysis for Clients. These obligations may also result from regulations on protection of competition and consumers or other laws which provide for requirements to adapt services offered to consumers to their characteristics or to propose an adequate nature of those services. Furthermore, the Bank is required to discharge obligations resulting from tax law, companies and partnerships law as well as regulations concerning trading in financial instruments, accounting and archiving regulations. The Bank also acts as an obliged institution, within the meaning of the laws concerning counteracting the acts prohibited by law or imposing obligations to keep transactions secure, by performing obligations of identification and verification or monitoring of economic relations (e.g. they result from regulations concerning counteracting money laundering and terrorism financing or regulations on payment services security). The Bank shall have a right to process data to discharge obligations, implement instructions or recommendations issued by authorised bodies or institutions;

- d. economic data analysis, management analysis, application of statistical methods or models, analysis of statistical regularities or market trends for correct management activities. We take these actions as part of external (towards other entities) or internal reporting obligations. Their performance is legally grounded in community law (European Union law) or Polish law concerning banks, including banking supervision law and laws stipulating the duties towards regulators, National Bank of Poland, stock exchanges, accounting and bank management laws, while in terms of management the Bank is required to comply with the recommendations issued by regulators for the banking sector or a given business pursued by the Bank. These duties may arise from the Commercial Companies and Partnerships Code, banking law or law on payment services or laws on trading in financial instruments or public offering, as well as the act on competition and consumer protection or the laws concerning a given type of business, including special acts, e.g. insurance act;
- e. maintaining, displaying websites or communicating through these websites. To do so, we deploy identification data such as IP number, device numbers or other data. Data are deployed in scope of and based on your consent or applicable laws, including telecommunication law or community law. These regulations stipulate when a consent is required for data processing They also provide for the manner in which it is given or revoked;
- f. performing tasks in the public interest – as required by law and resulting from activities taken;
- g. for marketing purposes, which cover:
- transferring, displaying or sending trade information,
  - transferring, displaying or sending trade information to devices used in electronic or telephone communication, which the Bank identifies as yours. These activities may also be performed via systems that transfer this information automatically,
  - sending trade information via traditional mail,
  - geolocation of your electronic communication devices to send trade information,
  - combining your data with information about your economic situation, your characteristics or behaviours or preferences to adjust trade information to your existing or anticipated needs or expectations (i.e. profiling).

Trade information – any and all types of advertisements, special offers, competitions and games of chance as well as commercial or purchase offers. It may concern: promotion of the image, services or products of the Bank or other entities whose services or products are offered by the Bank or relate to the Bank's business. Trade information may be profiled or non-profiled. You may resign from profiled marketing at any time.

The Bank processes data for marketing purposes based on the Client's consent. The Bank shall have the right to process them on condition of a legitimate interest of the Bank. However, if data processing is based on the consent and the latter is revoked, the Bank shall not process data for marketing purposes unless the Client consented otherwise;

- h. carrying our legitimate interests of the Bank which were listed hereinabove, as well as interests such as:
- ensuring security of persons (notably Clients and employees) and the Bank's property. It also applies to Bank outlets monitoring – while observing privacy and dignity of persons,
  - ensuring security of funds and transactions which is not required by law but by principles and policies adopted by the Bank,
  - pursuing or defending claims or rights of the Bank or the entity represented by the Bank; this purpose includes processing by the Bank of the data connected with complaints,

- conciliatory proceedings, alternative dispute settlement methods or mediation, which may be filed or instigated against the Bank or by the Bank or the entity represented by the Bank;
- relationship management and for marketing purposes, including profiled advertisements addressed to certain clients or groups of clients.

## 5. For what purposes may we process your personal data?

The primary purposes of processing were described hereinabove. The Bank may process data for secondary purposes – if the two purposes are interconnected. The secondary purposes are as follows:

- a. data archiving,
- b. audits or investigation proceedings,
- c. implementation of business- or management controls,
- d. other statistical or historical research, or scientific research,
- e. business, economic or legal advisory services which are provided for the Bank.

## 6. What types of data are processed?

We process data relating to:

- a. Client identification or verification. It is about determining or checking the identity of the Client or a person/entity represented by the Client. We are checking whether data comply with the data given or obtained from relevant documents, registers or lists, as well as identification data for devices (e.g. telephone number, IP, email, numbers of mobile devices) used by the Client, also as a person representing a given person or entity in a legal relationship with the Bank; The Bank may process biometric data, provided that one of the legal conditions, such as: an explicit consent of the given person, is met or it is indispensable for a particular identification and ID verification mode and results from important public interest specified in the law (e.g. regulations on counteracting money laundering and terrorism financing);
- b. transactional data. These data enable performing a given transaction or are used to identify or process it;
- c. data on the marital status and family situation – also about dependants in a household;
- d. financial data or data relating to provision of services. It is about data relating to the provision of a given service, economic and financial situation of the Client or persons impacted by a given activity or linked therewith, e.g. information about property, data that determine credit capacity and creditworthiness, data about location – as far as a given service explicitly provides for such condition – or other data necessary to use the Bank's services and communicate with the Bank, via mobile application, for example;
- e. website search data which are personal data – they are collected under the cookie policy and privacy policy or other declarations/consents in that regard
- f. preference- or behaviour-related data – these data are analysed and transferred to perform a given service and transferred on the basis of a relevant consent (e.g. to transferring trade information for marketing purposes via electronic devices) or other legal grounds;
- g. data on business, professional or social activity. Data or information about such activity of the Client or represented entity, necessary on account of the service or product offered by the Bank or through its agency;

- h. audio-visual data. These are e.g. recordings concerning protection of property or assets, recordings of conversations for security or evidence purposes.

Furthermore, the Bank may process other personal data delivered by the Client provided that they cannot be classified to any of the groups specified hereinabove and are processed for the purposes specified in this document.

## 7. What are the categories of data recipients?

Personal data can be transferred to entities or bodies:

- a. that are authorised under the laws,
- b. that need to obtain the data to perform a given activity e.g. payment transaction or other service or activity,
- c. that may obtain data based on your consent or mandate, or under a concluded agreement,
- d. that maintain databases for the purpose of credit capacity assessment or risk analysis. At present, these are Credit Information Bureau and Polish Bank Association,
- e. clearing houses or other settlement or clearing entities, payment institutions or schemes, or entities represented by them.

Entities (institutions) relevant for a recipient of a given transaction, to which we transfer data, may operate in Poland, countries of the European Economic Area or outside them. A given transaction type may require an entity operating in Poland, in the European Economic Area or outside it. Organisations operating outside Poland include: Society for the Worldwide Interbank Financial Telecommunication (SWIFT) with its registered office in Belgium.

As regards card transactions, or transactions performed with other payment instruments, which are accepted by payment organisations – we transfer data to the card organisation whose logo is on the card or the other payment instrument (e.g. Visa or MasterCard). These organisations operate in the European Economic Area and the USA. Whenever data are transferred outside the European Economic Area, we apply adequate security measures being standard data protection covenants adopted by the European Commission.

We may also transfer data to the ING Group entities – under operative corporate rules or laws such as: banking law, act on trading in financial instruments or other regulations. If we transfer data to the ING Group entities located outside the European Economic Area, we will apply adequate security measures under operative corporate rules or standard data protection covenants adopted by the European Commission. The Bank may also entrust data to other entities, while keeping the data controller function.

## 8. How long will the Bank process the data?

The data processing period depends on the purpose wherefor the data were collected and are processed. It also depends on the laws as well as your consents and declarations. The basic data processing period does not exceed the document archiving period of 6 (six) years; however, this period ends on the last day of the calendar year, unless the law provides for a different period.

We process data relating to:

- a. the agreement or other act in law – for the time indispensable for request review, preparation for performance of a given activity, and when the activity is actually performed, for the time indispensable for its performance. If the agreement was performed duly and in full, the abovesaid archiving period of 6 (six) years begins. If the activity was not actually performed, we process data for 3 (three) years from the data collection date, unless the law provides for a different period for such archived data.

- b. our calculations of financial ratios and capitals, including the statistical methods set for the Bank (generally referred to as methods and models). In keeping with the banking law, the period of information processing under methods and models is 12 (twelve) years from the liability expiration date;
- c. other archive data (not listed in other items) – personal data are processed during the archiving period determined in keeping with the law. The basic archiving period is 6 (six) years long; however, this period ends on the last day of the calendar year, unless the law provides for a different period. If the dispute, court trial or other proceedings (criminal in particular) are pending, the archiving period will be counted from the lawful closure of the dispute; in case of a number of proceedings, from the lawful closure of the last proceedings.
- d. court ruling – data may be processed until the claims' period of prescription expires (i.e. during the period when claims may be successfully asserted in court). The basic period of prescription is 6 years from the issue date of the lawful court ruling closing the procedure, however, individual claims may be subject to special regulations providing for other periods of prescription;
- e. Client consent – for the period stated in the consent document or in any case until such consent is revoked;
- f. collection of data from databases maintained by other entities or data transferred by other entities. The processing period depends on the transfer purpose, e.g. data transferred from the Credit Information Bureau are stored to assess credit capacity for the period required by a given lending activity. Next, data may be processed either under the law or based on your consent. If we obtain data from such a base, but the agreement was not concluded, the data will be deleted within 2 years from their obtainment, unless the client consent continues to apply thereafter.

The said periods do not add up. The data may be processed separately for individual purposes and on different legal grounds; e.g. a given data processing consent for marketing purposes can be revoked, but this does not deprive the Bank of the right to process data for another purpose or under different legal grounds.

## 9. Know your rights towards the Bank.

- a. You have a right to request the Bank to give you access to your personal data and to rectify the said data whenever they are not true to fact. Further, you have the right to delete them or limit their processing if so justified by law.
- b. You have a right to object to data processing. The claim will be reviewed by the Bank.
- c. You have the right to transfer data or obtain a copy of data. However, this right may not adversely impact the rights or freedoms of other persons, including trade secrets or intellectual property and it will be exercised as far as technically feasible. The first copy of data is free of charge. To transfer data under other provisions, e.g. banking law, it may be necessary to obtain a consent from the Client or another person or to meet other conditions as required thereunder. The right to transfer data processed automatically and processed in keeping with items 4a and 4b of this document. Requests concerning exercise of rights may be filed by the Client electronically as described in the online banking system or in writing. Such requests may be filed over the phone if the Bank operates such a process for the exercise of a given right, upon accounting for Client identity verification requirements. The Bank may request that information or activities concerned be clarified. By performing the request for data transfer or obtaining their copy, the Bank transfers them and communicates the electronic format or carrier used. The



Client having access to the Bank's online banking system will also have access to their data in that system.

- d. Personal data must be provided to conclude an agreement. The law may provide for a requirement to give data for the purpose set out therein (e.g. identification or verification). Furthermore, provision of certain data may prove indispensable for performance of a given transaction or activity. Should the Client not provide the data required by the agreement or another document used by the Bank under its procedures or law, the Bank will not enter into the agreement with them or will not perform a transaction or activity.
- e. All consents to data processing for marketing purposes are granted voluntarily. In some cases, to perform the agreement, it may be necessary to transfer data to a third party or to obtain data from such an entity. Then, it may be necessary to give a consent or mandate to such a transfer unless there is a separate legal ground for transfer. If you refuse to give such a consent/mandate or you withdraw it, it may impact the conclusion or performance of an agreement with a third party or a specific activity provided it is necessary to transfer those data to conclude or perform a given agreement or specific activity.
- f. If you requested performance of an activity or service, the Bank may take automatic decisions to refuse an agreement or activity or to offer activities or services on specific terms and conditions. In order to perform its obligations resulting from the act on counteracting money laundering and terrorism financing, the Bank may take automatic decisions to perform activities indispensable to conclude the agreement or process the transaction. Relevant information for a given automatic decision depends on the activity type. For example, for lending processes, relevant information having impact on the decision taken automatically, including the profiling technique, embraces information having impact on credibility and credit capacity. In the case of performance of deposit- (e.g. bank accounts), investment- or electronic services, the information held by the Bank about the economic and financial situation which may have an impact on the terms and conditions of an activity or service, including the wording of the information or consultation given. In case of lending decisions, in particular based on automated data processing, including profiling, you have the right to receive clarifications concerning the justification of the credit decision, and express your position in this matter. In any case, you have a right to appeal against the automatic decision. The appeal is reviewed by the Bank employee.

## 10. Final Provisions.

You have a right to withdraw granted personal data processing consents or mandates. This right also applies to the consents to data processing by the Bank for marketing purposes or mandates to transfer data to another entity granted to the Bank in the past. The withdrawal of a consent does not impact the Bank's right to process data for the purpose stated therein before its withdrawal.

The rights set out in the Regulation can be exercised by you on terms and conditions set out therein and compliant with other laws.

This document fulfils the legal obligation. It does not require any action on your part.