

Data privacy policy

Information in accordance with Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR)

In the following, LfA Förderbank Bayern provides you with information on processing of data by us and the rights you have under data protection law. The specific data processed and how it is used depend mainly on the services that you have requested or that have been agreed with you.

1. Who is responsible for data processing (the controller) and whom can I contact?

The controller pursuant to Article 4 No. 7 GDPR is:

LfA Förderbank Bayern
Königinstraße 17
80539 Munich, Germany

Telephone: +49 (0)89 / 2124 - 0

E-mail address: info@lfa.de

You can contact our Data Protection Officer at:

LfA Förderbank Bayern
Königinstraße 17
80539 Munich, Germany

Telephone: +49 (0)89 / 2124 - 0

E-mail address: datenschutzbeauftragter@lfa.de

2. What sources and data do we use?

We process personal data (Article 4 No. 2 GDPR) we receive from you as part of our business relationship. Furthermore, we process personal data we have received lawfully from other financial institutions (such as your house bank) or from other third parties (such as the credit rating agency SCHUFA). We also process personal data that we have lawfully received from publicly accessible sources (such as commercial registers, registers of associations, debtor registers, the press and media) and that we are allowed to process.

Relevant personal data includes personal particulars (your name, address and other contact data, date of birth) and identification data (such as your ID card or passport number). In addition, this may also be data from performance of our contractual obligations or information on your financial situation, documentation data (e.g. a consultation record) and other data similar to those categories.

3. For what purpose do we process your data and what is the legal basis for that?

Processing of personal data is governed by the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG). We process personal data:

3.1 in the public interest (Article 6 (1) e) GDPR)

Personal data is processed where that is necessary so that we can discharge our mandate and conduct bank business, as laid down in the Act on the Bavarian State Institute for Reconstruction Financing (*Gesetz über die Bayerische Landesanstalt für Aufbaufinanzierung* (LfA Act)), Official Gazette GVBl 2001, page 332. That can include loans, subsidies, participating interests, exemptions from liability, sureties and guarantees.

3.2 to perform contractual obligations (Article 6 (1) b) GDPR)

We process personal data where that is necessary as part of development loans and other bank business for performance of a contract or steps prior to entering into a contract pursuant to your request (for example in processing applications).

Please refer to the contractual documents and provisions for further details of the purpose of data processing.

3.3 to safeguard legitimate interests (Article 6 (1) f) GDPR).

Where necessary, we not only process your data to perform a contract, but also to safeguard legitimate interests of the LfA or third parties. Examples:

- Consultation of credit reporting agencies to ascertain information on creditworthiness or risks of default
- Market and opinion research, if you have not objected to use of your data
- Establishing legal claims and defending ourselves in legal disputes
- Ensuring IT security and IT operation at LfA.
- Preventing and investigating criminal acts
- Measures related to business controlling and further development of products and services

3.4 pursuant to your consent (Article 6 (1) a) GDPR)

We also process personal data as part of the purposes for which you granted us your consent. You can withdraw consent you have granted at any time. The same also applies if you wish to revoke declarations of consent you gave us before the GDPR came into effect.

Please note that any withdrawal of consent applies only with future effect, i.e. processing activities before withdrawal of your consent are not affected by it.

3.5 to comply with statutory obligations (Article 6 (1) c) GDPR)

As a bank, we are subject to various statutory obligations (such as the Act on the Bavarian State Institute for Reconstruction Financing (LfA Act)), GVBI 2001, page 332, the German Banking Act, the German Money Laundering Act, and tax legislation), as well as official and bank regulatory requirements pursuant to such statutory obligations. The purposes of processing include examining creditworthiness, verifying identities and age, preventing fraud and money laundering, complying with reporting obligations, and assessing and managing risks.

4. Who obtains your data?

Your data can be accessed by those departments within the LfA that require the data to discharge the statutory development tasks and fulfil the contractual and statutory obligations of the LfA. The processors we engage (Article 28 GDPR) may also obtain data for said purposes, provided they have been obligated to maintain banking secrecy and data privacy. Processors are companies from the categories banking and lending services, IT services, logistics, print services, telecommunications, consulting and marketing.

We are obligated to maintain confidentiality on all customer-related facts and assessments of which we gain knowledge (banking secrecy). We may disclose information concerning you only if we are allowed to under the law, we are obliged to do so by the regulatory or public authorities, you have given your consent or we are authorised to issue a banker's reference. Subject to those requirements, recipients of personal data may be:

- Public bodies and institutions (such as the German Bundesbank, the German Federal Financial Supervisory Authority (BaFin), the European Central Bank, the European Investment Fund (EIF), the European Commission and/or institutions commissioned by it, financial authorities, the Free State of Bavaria and its authorities)
- Other banks or financial institutions or similar institutions to which we transfer personal data as part of the business relationship with you (such as house banks and their central institutions, cooperation banks, the Reconstruction Loan Corporation (KfW), Bürgschaftsbank Bayern GmbH).

Further recipients of the data may be bodies to which you have given us consent to transfer your data or for which you have exempted us from the obligation to maintain banking secrecy by way of an agreement or by giving your consent.

5. For how long is your data stored?

Where necessary, we process and store your personal data for as long as required to fulfil our contractual and statutory obligations, which also includes the initiation, handling and winding up of a contract. It should be noted that our business relationship will probably extend over several years.

In addition, we are subject to various retention and documentation obligations, among other things pursuant to the General Commercial Code (HGB), the German Fiscal Code (AO), the German Banking Act (KWG), the German Money Laundering Act (GwG), the German Securities Trading Act (WpHG) and provisions under European law. The retention and documentation periods stipulated by them range from two to ten years.

Finally, the storage duration is also governed by the statutory limitation periods, which are usually three years under Sections 195 et seq. of the German Civil Code (BGB), for example, but may also be up to thirty years in certain cases.

6. Is data transferred to a third country or international organisation?

Data is transferred to third countries (countries outside the European Economic Area (EEA)) only if that is required by law or you have given us your consent.

7. What data protection rights do you have?

Every data subject has the right of **access to information** (Article 15 GDPR), the right to **rectification** of data (Article 16 GDPR), the right to **erasure** of data (Article 17 GDPR), the right to **restriction of processing** (Article 18 GDPR), and the right to **data portability** (Article 20 GDPR). The restrictions defined in Sections 34 and 35 of the German Federal Data Protection Act (BDSG) apply to the right of **access to information**, as well as to the right to erasure of the data. You also have a right to lodge a complaint with a data protection supervisory authority (Article 77 GDPR in conjunction with Section 19 BDSG). The responsible supervisory authority is the Bavarian Data Protection Authority (BayLDA), Promenade 27, 91522 Ansbach, Germany.

8. Are you obligated to provide data?

As part of our business relationship, you must only provide personal data that is required to establish, conduct and terminate a business relationship or that we are obliged to collect by law. If we are not given this data, we will usually have to refuse to conclude the contract or perform the order or will no longer be able to continue performing, and will possibly have to terminate, an existing contract.

9. To what extent is automated individual decision-making, including profiling, used?

In principle, we do not use fully automated decision-making, including profiling, in accordance with Article 22 GDPR to establish and conduct a business relationship. If we use these methods in an individual case, we will notify you separately, if that is required by law.

10. Information on your right to object to processing in accordance with Article 21 GDPR

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on Article 6 (1) e) GDPR (data processing in the public interest) and Article 6 (1) f) GDPR (data processing to safeguard legitimate interests).

If you object, we will no longer process your personal data, unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

If the LfA is not provided with the data that is required to provide its services or is required pursuant to a statutory obligation, the LfA will have to refuse to conclude the contract or perform the order or will no longer be able to continue performing, and will possibly have to terminate, an existing contract.

Your objection can be submitted without using a special form, where possible to the addresses specified under section 1.