

Data privacy policy for employees and other similar individuals

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

The new EU General Data Protection Regulation has been in effect since 25 May 2018. The German Federal Data Protection Act (BDSG) has also been amended in the wake of that. Under Section 26 of the new version of the German Federal Data Protection Act, LfA is now obliged to inform all employees and other similar individuals about processing of their personal data by the employer and about their rights under data protection law.

The aim of this information is therefore to give you an overview of processing of your personal data by LfA and your rights.

What specific data concerning you is processed and how it is used depends largely on the employment relationship you have with LfA, e.g. as an applicant, employee under a temporary or permanent employment relationship, trainee, intern, loaned employees or external contractor. Consequently, not all parts of this information will apply to you.

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

The controller 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 that we obtain from our employees and other similar individuals as part of the employment relationship. Insofar as necessary for the purposes of recruitment, fulfilment of an

employment contract and termination of an employment relationship, we also process personal data which we lawfully obtain from publicly accessible sources (e.g. press, Internet, commercial register) or which is legitimately transmitted by other third parties (e.g. information on criminal offences) and which we are allowed to process.

Personal data includes in particular your personal information (e.g. name, address, contact data, date and place of birth and nationality), family data (e.g. marital status, details of your children), religious affiliation, health data (if relevant to the employment relationship, e.g. in the case of a severe disability), any criminal record (certificate of good conduct from the police), identification data (e.g. ID card data), tax identification number, information on qualifications and employee development (e.g. training, vocational experience, language skills, further training), as well as other data similar to the above categories.

Relevant personal data also includes information on the employment relationship (e.g. date of joining, job designation, title), data relating to wage tax from the fulfilment of our contractual obligations (e.g. payment of remuneration), information on your financial situation (e.g. credit liabilities, salary garnishments), social security data, data on retirement benefits or the pension fund, information on working hours (e.g. recording of working hours, vacation, illness, data in connection with business trips), access data, authorisation data (e.g. admission and access rights), image and audio data (e.g. video recordings), employee evaluation data (e.g. as part of employee performance reviews), data on your creditworthiness (e.g. SCHUFA information), and other data similar to the above categories.

3. What do we process your data for (purpose of processing) and what is the legal basis for this activity?

We process personal data in compliance with the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG):

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

Personal data is processed (Article 4 No. 2 GDPR) for the establishment, implementation or termination of the employment relationship under the existing contract with you or to perform precontractual measures, which are carried out upon request. If you draw additional benefits (e.g. childcare subsidy), your data will be processed to enable provision of these additional benefits, insofar as this is necessary.

3.2 pursuant to a weighing of interests (Article 6 (1) f) GDPR)

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

- Measures relating to personnel development planning
- Measures to protect employees and customers and to protect the bank's property, such as video surveillance of areas accessible to the public to safeguard domiciliary rights
- Publication of your business contact data in the intranet telephone directory
- Records of employee performance reviews (e.g. documentation of the defined goals and achievement of them).

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

If you have given us your consent to process personal data for specific purposes, that data will be processed only in accordance with the purposes set out in the declaration of consent and to the extent agreed therein. You can withdraw consent you have granted at any time with future effect. The same also applies if you wish to revoke declarations of consent you gave us before the GDPR came into effect, i.e. before 25 May 2018.

Please note that any withdrawal of consent applies only with future effect and does not affect the legality of processing of data before consent was withdrawn

3.4 to comply with statutory obligations (Article 6 (1) c) GDPR) or in the public interest (Article 6 (1) e) GDPR)

In addition, as a bank we are subject to various legal obligations (e.g. social security law, occupational health and safety, the German Banking Act, the German Money Laundering Act, the German Securities Trading Act, tax legislation) as well as bank regulatory requirements (e.g. those of the European Central Bank, the European Banking Authority, the Deutsche Bundesbank, and the German Federal Financial Supervisory Authority). The purposes of processing include examining creditworthiness, verifying identities and age, preventing fraud and money laundering, complying with control, reporting or documentation obligations under social security and tax law, and managing risks.

In addition, we process your data if this is necessary for the exercise or fulfilment of the rights and obligations relating to employee representation resulting from a collective bargaining agreement or a service agreement (collective agreement) (e.g. service agreement on information processing and telecommunications services at LfA, service agreement on video surveillance of publicly accessible areas at LfA, service agreement on the installation and operation of electronic locking cylinders at LfA)

4. Who obtains your data?

Your data can be accessed by those departments within LfA that need the data to fulfil our contractual, legal and supervisory obligations as well as to safeguard legitimate interests, e.g. the Human Resources department, Staff Council, representatives of severely disabled individuals.

The processors we engage (Article 28 GDPR) may also obtain data for said purposes, provided they need the data to fulfil their service. This also applies to other service providers, e.g. training providers and the like, who require the data to fulfil their service. All service providers are contractually obligated to treat your data confidentially.

With regard to the transfer of data to recipients outside LfA, it should first be noted that as an employer we only disclose necessary personal data in compliance with the applicable data protection regulations. In principle, we may disclose information concerning our employees only if required to do so by law, you have given your consent, or we are otherwise authorised to disclose such information.

Subject to those requirements, recipients of personal data may be:

- Social insurance institutions
- Health insurers
- Pension institutions/funds
- Tax authorities
- Mutual indemnity associations
- Public bodies and institutions (such as the European Central Bank, the European Banking Authority, the Deutsche Bundesbank, the German Federal Financial Supervisory Authority, tax authorities, law enforcement authorities) if there is a legal or official obligation to disclose the information
- Other banks or financial institutions or similar institutions to which we transfer personal data in order to fulfil the contractual relationship (such as for paying salaries)
- Statutory auditors/wage tax auditors
- Data processing service providers.

Further recipients of the data may be bodies to which you have given us consent to transfer your data or to which we are authorised to transfer personal data pursuant to a weighing of interests.

5. How long is your data retained?

We process and retain your personal data as long as it is needed to fulfil our contractual and legal obligations. It should be noted that the employment relationship is a continuous obligation that will probably extend over a lengthy period of time.

If the data is no longer required for the fulfilment of contractual or legal obligations, it is erased regularly, unless it is necessary to process it further (temporarily)

- to comply with existing retention and documentation obligations. These may apply pursuant to the German Social Security Code (SGB IV), the German Commercial Code (HGB), the German Fiscal Code (AO), the German Banking Act (KWG), the German Money Laundering Act (GwG) and the German Securities Trading Act (WpHG). The retention and documentation periods stipulated by them range from two to ten years.
- to preserve evidence in accordance with limitation periods. Under Sections 195 et seq. of the German Civil Code (BGB), these limitation periods may be up to 30 years, with the usual period being three years.

If data is processed in the legitimate interests of us or a third party, the personal data will be erased as soon as those interests no longer exist. The specified exceptions apply here. The same applies to data processing based on consent. As soon as you withdraw your consent with future effect, your personal data will be erased, unless one of the exceptions mentioned above applies.

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

Data is transferred to third countries (countries outside the European Economic Area) 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), the right of **objection** (Article 21 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 of the GDPR in conjunction with Section 19 of the German Data Protection Act).

8. Are you obligated to provide data?

As part of the employment relationship, you must only provide personal data that is required to establish, conduct and terminate an employment relationship or that is required to fulfil the related contractual obligations or that we are obliged to collect by law or pursuant to a collective agreement. Without this data, we will usually not be able to conclude the contract with you, fulfil it and, if applicable, terminate it.

In particular, we are obliged under money laundering regulations to identify you by means of your identification document prior to the establishment of the business relationship and to collect and record your name, place of birth, date of birth, nationality, address and ID card data. So that we can comply with this legal obligation, you must provide us with the necessary information and documents in accordance with the German Money Laundering Act and notify us immediately of any changes arising in the course of the business relationship. If you do not provide us with the necessary information and documents, this may prevent the initiation and implementation of the employment relationship.

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

Fully automated decision-making in accordance with Article 22 GDPR is not used to establish, implement and terminate the employment relationship. If we use these methods in an individual case, we will notify you separately about that and your related rights, if that is required by law.

10. Information on your right to object to processing under Article 21 of the General Data Protection Regulation

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 based on a weighing of interests).

If you object, we will no longer process your personal data, unless we can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms or the processing serves the purpose of establishing, exercising or defending legal claims.

Your objection can be submitted without using a special form and with the subject line "Objection", stating your name, address and date of birth, and should be addressed to:

LfA Förderbank Bayern
Königinstraße 17
80539 Munich, Germany
E-mail address: datenschutzbeauftragter@lfa.de