

PRIVACY STATEMENT

November 2018



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About this Privacy Statement

This is the NIBC Privacy Statement.
We could change this Privacy Statement at
any time. This version was made in
november 2018

1. Introduction

NIBC (which includes each of the NIBC legal entities and branch offices listed at the bottom of this paragraph) (**NIBC** or **we**) values and respects the privacy of our customers and business partners. We strive to protect the privacy and the confidentiality of personal data that NIBC processes in connection with the services it provides to customers. NIBC will process your personal data carefully and always in accordance with applicable rules and regulations.

This privacy statement describes how we (as a data controller) use your personal data in our business. We collect, use, disclose and otherwise process personal data that is necessary for the purposes identified in this privacy statement or as permitted by law.

In this privacy statement we use a number of terms that have a specific meaning under applicable privacy rules (such as “personal data” or “data controller”). Chapter 4 of this privacy statement contains an overview of these defined terms. NIBC has appointed dedicated data protection officers for its legal entities and branches (each a **DPO**). Please do not hesitate to contact our DPOs in case you have any questions in relation to the processing of personal data by NIBC:

Contact details

[Nederland, Brussel and Londen:](#)

T: +31 (0)70 342 5623 **M:** +31620549370 **E:** dpo@nibc.com

[NIBC Bank Deutschland AG:](#)

T: +49 (0)69 5050 655 37 **M:** +49 (0)162 2782953

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[NIBC Bank N.V., Frankfurt branch:](#)

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(The DPO for NIBC Bank N.V., Frankfurt branch is

Mrs Aysegül Kalkan of Geno-Tec GmbH.

Her contact details are: **T:** +49 172 2677142

E: ayseguel.kalkan@geno-tec.de)

Regular mail

[NIBC Bank N.V.](#)

Attn. Data Protection Officer

At the address for the relevant NIBC legal entity or branch office listed below.

NIBC entity	Registered office	Corporate registration number
1. NIBC Bank N.V.	Carnegieplein 4 2517 KJ The Hague The Netherlands	27032036
2. NIBC Direct Hypotheken B.V.	Carnegieplein 4 2517 KJ The Hague The Netherlands	53084179
3. Hypinvest Hypotheken B.V.	Carnegieplein 4 2517 KJ The Hague The Netherlands	27258412
4. Hypinvest B.V.	Carnegieplein 4 2517 KJ The Hague The Netherlands	27169419
5. Quion 30 B.V.	Carnegieplein 4 2517 KJ The Hague The Netherlands	27169414
6. NIBC Bank N.V. Brussels branch office	Rue Royale 71 1000 Brussels Belgium	0456.775.869
7. NIBC Bank N.V. Londen branch office	11th Floor 125 Old Broad Street Londen EC2N 1AR United Kingdom	27032036
8. NIBC Bank N.V. Frankfurt branch office	MainTower Neue Mainzer Strasse 52 D – 60311 Frankfurt am Main Germany	75230
9. NIBC Bank Deutschland A.G.	Maintower Neue Mainzer Strasse 52 D – 60311 Frankfurt am Main Germany	100205

2. What do we do with your personal data?

What is personal data?

Personal data means any information relating to an identified or identifiable natural person, such as a name, address, e-mail addresses and e-mails, voice recordings, or a copy of a passport but also financial data and contracts, provided that such information relates to a natural person.

Which personal data may we collect and process about you?

The personal data that we collect and process about you may include some or all of the following, depending on the circumstances and nature of your relationship with us (and always subject to applicable law):

- (a) **Your contact information** ► including your name, address (and proof of address) and other contact details (e.g. e-mail and telephone details);
- (b) **Your identification information** ► citizen identification numbers issued by government bodies or agencies (e.g., depending on the country you are in, social security, citizen service or national insurance number, passport number, ID number, tax identification number, driver's license number), a copy of your ID, and your date and place of birth;
- (c) **Identification information of your family members, proxyholders and inheritors** ► contact information, ID copies, and other identification information;
- (d) **E-mail and voice communications with NIBC** ► your e-mail correspondence and voice recordings of communications with NIBC (to the extent permitted by law);
- (e) **Your financial data** ► including data on the financial instruments you trade in, securities, savings accounts and/or mortgages provided by NIBC to you. Income details, details in relation to property, and any other financial data required for the provision of our services;
- (f) **Personal data on Ultimate Beneficial Owners** ► including their name, financial data (e.g. details on their capital and/or voting rights and interests), contact details, ID copies, and citizen identification numbers issued by government bodies or agencies;

- (g) **Personal data relating to criminal convictions and offences** ► NIBC may, under certain circumstances and if and to the extent legally permissible, also collect personal data relating to criminal convictions, offences and fraud.
- (h) **Data concerning health** ► NIBC will never request you to provide any information in relation to your current or previous medical condition. Only if you pro-actively provide such information, this information may be processed by NIBC.

What legal basis do we have for processing your personal data?

NIBC only processes your personal data for legitimate purposes. The use of your personal data will also be justified on the basis of one or more legal “processing grounds” that are provided for in the GDPR.

The table below contains an explanation of the scope of the various legal processing grounds available under the GDPR for processing of personal data on which NIBC relies:

Contract performance: where NIBC requires your personal data in order to enter into a contract with you and provide our services to you.

Legitimate interests: where NIBC uses your personal data to achieve a legitimate interest and our reasons for using it outweigh any prejudice to your data protection rights.

Legal claims: where your personal data is necessary for NIBC to defend, prosecute or make a claim against you, us or a third party.

Our legal obligations and rights: where we are required to process your personal data under a statutory obligation, primarily as a result of our status as a regulated financial institution.

Consent: where you have consented to our use of your personal data (in which case you will have been presented with a consent form in relation to any such use and you may withdraw your consent at any time by the method explained in the communication with you or, and in any event, by giving notice to our DPO(s)).

Generally, NIBC processes personal data on the basis that it is necessary to do so in connection with the performance of our contractual relationship with you and/or where we have a legal obligation to do so, primarily in light of NIBC being a regulated financial institution.

NIBC may also process personal data when we have a legitimate interest to do so and provided specific conditions are met, such as to defend and prosecute legal claims and rights, and other business interests. Where we rely on this legal processing ground, we will mitigate the

effect(s) this may have on your privacy by appropriately minimising our use and putting in place adequate access and security safeguards to prevent unauthorised use.

Under limited circumstances, NIBC also processes criminal personal data and data concerning health.

NIBC shall only process criminal personal data when the processing is authorised by applicable law that provides for appropriate safeguards for the rights and freedoms of data subjects.

Data concerning health qualifies as a special category of personal data. NIBC shall only process data concerning health when you pro-actively provide such information (NIBC will never request for it) and always with your explicit prior consent.

NIBC processes citizen identification numbers issued by government bodies and agencies to the extent permitted by and in accordance with applicable national legislation.

For what purposes does NIBC collect your personal data and what are our justifications of uses?

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This section specifies the purpose for which NIBC uses the various categories of personal data it collects from you. As mentioned above, the exact nature and scope of personal data we collect from you will depend on the circumstances and type of relationship you have with us. For each use, we note the applicable legal processing grounds by which we justify the relevant use of your personal data:

- (a) **To conduct certain checks on you, such as know your customer (KYC) checks, anti-money laundering (AML) checks, and anti-fraud checks before we establish a relationship, and where required, during our relationship with you** ► we and other organisations engaged by us may access and use your personal data to conduct credit checks and checks to prevent fraud, money laundering and terrorist financing. If false or inaccurate information is provided and fraud is identified or suspected, details may be passed to the relevant authorities including credit reference agencies and fraud prevention agencies. We will record this. Law enforcement agencies may access and use this information. We, and other organisations that may access and use information recorded by such agencies, may do so from other countries.
 - **Use justification:** legal obligations and rights, legitimate interests (to assist with the prevention of crime and fraud). For criminal personal data, please see below under "For what purposes does NIBC process criminal personal data?"
- (b) **To prepare quotations and assess relevant risks for NIBC and for you** ► NIBC needs your personal data for acceptance procedures (for you as a private client, or for the company you are representing), to prepare quotations and for risk-assessment of your and our risks.

- **Use justification:** (preparation of) contract performance, legitimate interests (to help managing our and your risks).

(c) **To manage our relationship with you and provide our services and products to you** ► NIBC requires your personal data for the performance of our contract with you or the company you represent, This includes use of your personal data to ensure that we can provide our services to you, including executing transactions, funds transfers, mortgages, savings accounts and credits (for our corporate and retail customers).

- **Use justification:** contract performance, legal obligations and rights, legitimate interests (to enable us to provide our services and share personal data between NIBC legal entities where appropriate).

(d) **To comply with our legal obligations and cooperate with regulators** ► we may process and disclose your personal data (i) to comply with our legal obligations as a regulated financial institution (for instance by processing phone recordings or e-mails), and (ii) to cooperate with requests from regulators (including financial supervisory authorities), including, but not limited to, the Dutch Data Protection Authority, the Netherlands Authority for the Financial Markets (AFM), the Dutch Central Bank, the Information Commissioner's Office (ICO), the Financial Conduct Authority, the Prudential Regulation Authority, the Belgian Financial Services and Markets Authority (FSMA), the Belgian Privacy Commission (as of 25 May 2018 called (Belgian) "Data Protection Authority"), the various German State Data Protection Authorities, the German Central Bank (Deutsche Bundesbank) and the Federal Financial Supervisory Authority (Bundesanstalt für Finanzdienstleistungsaufsicht).

- **Use justification:** legal obligations and rights, legitimate interests (for NIBC's interests and to ensure the integrity and security of the financial sector). For criminal personal data, please see below under "For what purposes does NIBC process criminal personal data?"

(e) **For security purposes and to analyse and continuously improve the services we provide to our customers** ► we may use personal data for testing and improving our IT infrastructure and the security thereof and to optimise and improve our IT infrastructure and the services we provide to you. Only in very exceptional circumstances will we use personal data for testing purposes and, if this is necessary, always in a closed and secured environment.

- **Use justification:** contract performance/ legal obligations and rights, legitimate interests (to enable us to ensure the security of our systems and further improve our services).

- (f) **For marketing purposes** ► we may use personal data to contact our existing clients by e-mail for marketing purposes. You may opt-out at any time from these marketing communications. We will only market our own products and services to you provided that such products and services are similar to products and services you already receive and you are given the opportunity to object and not provide your contact details to any third party (with the exception of third parties processing personal data on our behalf).
- **Use justification:** legitimate interests (to enable us to promote our financial services and products).
- (g) **To defend our legitimate interests and to change our business structure** ► we may disclose personal data in connection with legal proceedings or investigations anywhere in the world to third parties, such as public authorities, law enforcement agencies, regulators and third party litigants (these third parties are not data processors on behalf of NIBC and will process personal data for their own purposes). NIBC may also provide your personal data to any potential acquirer of or investor in any part of NIBC's business for the purpose of that acquisition or investment.
- **Use justification:** contract performance, legal obligations and rights, legal claims, legitimate interests (to enable us to cooperate with law enforcement and regulators and to allow NIBC to change its business). For criminal personal data, please see below under "For what purposes does NIBC process criminal personal data?"

For what purposes does NIBC process criminal personal data?

NIBC actively participates in incident registers and early warning systems for the financial sector (insofar as this is permitted by applicable law), including the SFH (Stichting Fraudebestrijding Hypotheken) register. For this purpose, NIBC may process criminal personal data. The purpose of an incident register or early warning system is, among other things, to protect the interests of the financial sector as a whole, as well as NIBC's customers, by, for example, uncovering fraud. NIBC further processes criminal personal data to conduct certain checks on you, such as know your customer (KYC) checks, anti-money laundering (AML) checks, and anti-fraud checks before we establish a relationship, and where required, during our relationship with you.

- **Use justification:** NIBC shall only process criminal personal data when such processing is authorised by applicable law. NIBC participates in incident registers and early warning systems that are under control of official authority.

For what purposes does NIBC process special categories of personal data?

NIBC will never request you to provide any information in relation to your current or previous medical condition. Only if you deem such information relevant (for example if changes in your medical condition prevent you from fully complying with your obligations) and pro-actively provide it to us, such information shall be processed by NIBC.

- **Use justification:** NIBC shall only process data concerning health with your explicit prior consent.

NIBC will never ask for any other categories special categories of personal unless it is required through a legal obligation.

Monitoring and recording of e-mails and phone calls

For the purposes described above, in particular in order to comply with our legal obligations as a regulated financial institution, NIBC's systems may monitor and record telephone, e-mail, voicemail, Internet and other communications. Monitoring is only carried out to the extent permitted or as required by law and as necessary and justifiable for business purposes.

How long is personal data retained?

Our retention periods for personal data are based on business needs and legal requirements. We retain personal data for as long as is necessary for the processing purpose(s) for which the personal data was collected, and any other permissible, related purpose. For example, we retain certain transaction details and correspondence until the time limit for claims arising from the transaction has expired, or to comply with regulatory requirements regarding the retention of such data.

From where do we collect your personal data?

We may obtain personal data from you directly or from third parties such as intermediaries, other financial institutions, credit reference and anti-fraud agencies, sanctions and politically exposed person screening lists and public registers.

Where do we keep your personal data?

We primarily store your personal data on IT systems located in the Netherlands, the UK, Belgium and Germany. Some of these IT systems are outsourced to third parties. We have also engaged IT service providers who are situated outside the European Economic Area (EEA), which means that your personal data may also be stored outside the aforementioned countries (please see below under "Do we share personal data?"). All IT service providers act as data processors on behalf of NIBC.

How does NIBC protect my personal data?

NIBC has implemented appropriate technical and organisational measures to secure the processing of personal data. These safeguards will vary depending on the sensitivity, format, location, amount, distribution and storage of the personal data, and include measures designed to keep personal data protected from unauthorized access. If appropriate, the safeguards include the encryption of communications via SSL, encryption of information during storage, firewalls, access controls, separation of duties, and similar security protocols. We restrict access to personal data to personnel and third parties that require access to such information for legitimate, relevant business purposes.

All our staff members, contractors and third parties who will have access to personal data on NIBC's instructions will be bound to confidentiality and we use access controls to limit access to individuals that require such access for the performance of their responsibilities and tasks. NIBC has information security policies in place and its security policies and systems are frequently audited. As a regulated financial institution, NIBC has to comply with strict security requirements. NIBC takes the security of its IT infrastructure very seriously.

Do we share your personal data?

NIBC has engaged various data processors for the processing of your personal data on our behalf, including IT service providers, marketing agencies and other business service providers. We may also share your personal data with other third parties as described in the "For what purposes does NIBC collect your personal data and what are our justifications of uses?" section set out above.

Some of these third parties are situated outside the EEA. Service providers accessing NIBC personal data act as data processors on behalf of NIBC. Where we engage data processors, we will ensure that transfers of personal data outside of the EEA take place in accordance with data protection legislation and that there will be an appropriate level of protection. In addition, we will implement legal safeguards governing such transfer, such as model contractual clauses, individuals' consent, or other legal grounds permitted by applicable legal requirements. Certain countries outside the EEA have been approved by the European Commission as providing essentially equivalent protections as EEA data protection laws. EU data protection laws allow NIBC to freely transfer personal data to such countries. Please contact our DPO(s) if you would like to see a copy of the safeguards we apply in relation to the export of your personal data.

Where NIBC discloses personal data or criminal personal data in response to requests from regulators and law enforcement or security agencies, these regulators and law enforcement or security agencies will be acting as a controller. NIBC will always assess the legitimacy of such requests before disclosing any personal data and/or criminal personal data and only disclose the data required to comply with the request.

Changes to this privacy statement

NIBC may from time to time implement changes to this privacy statement. The most recent version will at all times be available on NIBC's website.

3. What are your rights?

Under the GDPR, you have certain rights in relation to your personal data. These rights are listed below. Please contact one of our DPOs should you wish to exercise any of the rights below. Depending on the nature of the relationship you have with or services you receive from NIBC, you may also be able to exercise these through or as directed by the account portal to which you have access; however you will always also have the right in any event to contact our DPOs for this purpose. More generally, any questions regarding NIBC's privacy statement can be directed to our DPO(s).

Please be aware that certain exceptions apply to the exercise of these rights and so you may not be able to exercise these in all situations:

- (a) **Subject Access:** You have a right to be provided with access to any personal data held about you by NIBC.
- (b) **Rectification:** You can ask us to have inaccurate personal data corrected
- (c) **Erasure:** You can ask us to erase personal data in certain circumstances and we will take reasonable steps to inform data processors that are processing the personal data on our behalf that you have requested the erasure of any links to, copies or replication of your personal data.
- (d) **Restriction:** You can require certain personal data to be marked as restricted whilst complaints are resolved and also restrict processing in certain other circumstances.
- (e) **Portability:** You can ask us to transmit the personal data that you have provided to us and we still hold about you to a third party electronically insofar as permitted under the GDPR.
- (f) **Raise a complaint:** You can raise a complaint about our processing with the data protection regulator in your jurisdiction (in the Netherlands, the Dutch Data Protection Authority (Autoriteit Persoonsgegevens), in the UK, the Information Commissioner's Office (ICO), in Belgium, the Privacy Commission, and in Germany the respective German State Data Protection Commissioner responsible for your complaint).
Daarnaast, onder bepaalde omstandigheden, heeft u het recht om:

In addition, under certain conditions, you have the right to:

- Where processing is based on consent, withdraw the consent;
- Object to any processing of personal data that NIBC justifies on the “legitimate interests” legal ground, unless our reasons for undertaking that processing outweigh any prejudice to the individual’s privacy rights; and
- Object to direct marketing (including any profiling for such purposes) at any time.

These rights are subject to certain exemptions, including safeguarding the public interest (e.g. the prevention or detection of crime), our interests (e.g. the maintenance of legal privilege) and possible third party interests. We will deal with requests within one month. When it will take longer than that, we will contact you to explain why it actually takes us longer than the prescribed one month.

4. Some legal terms

Under the applicable privacy legislation (including, but not limited to, the GDPR), the below terms have a defined meaning as set out in the table below:

GDPR

The European General Data Protection Regulation, EU 2016/679. The GDPR is applicable in all EU member states as of 25 May 2018

Personal data

Any information relating to an identified or identifiable natural person (e.g. a person whose identity can be established reasonably without disproportionate effort by means of name, address and date of birth). By way of example but not limitation, video and voice recording is also personal data if the video images or the voice recording are identifiable to a natural person. If financial data (such as bank statements) relate to an identifiable natural person, such information is considered personal data

Processing of personal data

Any operation or any set of operations concerning personal data, including in any case the collection, recording, organisation, storage, updating or modification, retrieval, consultation, use, dissemination by means of transmission, distribution or making available in any other form, merging, linking, as well as blocking, erasure or destruction of personal data

Data controller

The legal person, administrative body or any other entity which, alone or in conjunction with others, determines the purpose of and means for processing of personal data

Data processor

The person or body which processes personal data on behalf of the data controller, without being subject to the data controller's direct control

Criminal personal data

Any personal data that provides information on persons' criminal convictions, offences, or related security measures

Special categories of personal data

Any personal data that provides information on persons' religious or philosophical beliefs, race, political opinions, health, sexual life or membership of trade unions, or, for the purpose of this privacy statement, criminal convictions or offences