



Information on data protection for suppliers

With the following information, we would like to give you an overview on the processing of your personal data by us and your rights under data protection law.

Who is responsible for data processing and who can I contact?

Responsibility lies with

Commerz Real Asset Verwaltungsgesellschaft mbH
Tölzer Str. 2, 82031 Grünwald
Telefon: +49 89 15709822
cr@commerzreal.com

You can reach our internal Data Protection Officer under

Commerz Real Asset Verwaltungsgesellschaft mbH
Data Protection Officer
Tölzer Str. 2, 82031 Grünwald
Telefon: +49 89 15709822
datenschutzbeauftragter@commerzreal.com

Which sources and which data do we use?

We process personal data which we receive from our suppliers in connection with our business relationship. Moreover, we process personal data legitimately obtained from publicly accessible sources (such as registers of commercial establishments and associations, press, Internet) or which have been legitimately transmitted to us from other companies of the Commerzbank Group or third parties (for example a credit bureau) to the extent necessary for rendering our services.

Relevant personal data are personal details (name, address and other contact data) and legitimisation data (such as data from ID cards). In addition, these may also be contract data (such as a payment order), data resulting from the performance of our contractual obligations (such as turnover data in payment transactions), information about your financial status (such as data on credit standing, scoring/rating, data relevant for loans (income and expenditure), documentation data (such as an excerpt from the Commercial Register) and other data comparable with the above-mentioned categories.

What is the purpose of processing your data (processing purpose) and on which legal basis does this take place?

We process personal data in accordance with the provisions of the EU General Data Protection Regulation (GDPR) and the German Federal Law on Data Protection (BDSG).

- a. in order to comply with contractual obligations (Art. 6 (1 b) GDPR)

Data are processed for the purpose of discharging our obligations from a purchasing, leasing or rental agreement or for performing pre-contractual measures as a result of queries.

- b. within the scope of the balancing of interests (Art. 6 (1 f) GDPR)

To the extent necessary, we will process your data beyond the scope of the actual performance of the contract so as to protect justified interests of our own and of third parties. Examples:

- Consultation of and exchange of data with credit bureaus (such as Creditreform) so as to determine credit standing or default risks in connection with our purchasing processes,
- lodging legal claims and defence in case of legal disputes,
- ensuring IT security and the IT operations of Commerz Real Asset Verwaltungsgesellschaft mbH,
- prevention and investigation of criminal acts,
- video surveillance to exercise domiciliary rights, to collect evidence in case of attacks or fraud (also see Sec. 4 BDSG),
- measures for securing buildings and systems (such as admission control),
- measures to protect our domiciliary right,
- measures to control our operations,
- risk management within the Commerzbank Group.

- c. as a result of your consent (Art. 6 (1 a) GDPR)

To the extent you have consented to the processing of personal data by us for certain purposes (such as an application to become a registered supplier in the supplier portal), such processing is legitimate on the basis of your consent. Consent once given may be revoked at any time. This also applies to the revocation of declarations of consent given to us before the effective date of the GDPR, i.e. before 25 May 2018. Revocation of consent will have an effect only for the future and does not affect the legitimacy of data processed until revocation.

- d. on the basis of statutory regulations (Art. 6 (1 c) GDPR) or in the public interest (Art. 6 (1 e) GDPR)

Moreover, we, as a bank, are subject to various legal obligations, i.e. statutory requirements (such as the Banking Act, the Law on Money Laundering, tax laws) and regulations relating to the supervision of banking (e.g. of the European Central Bank, the European Banking Supervisory Agency, the German Federal Bank and the Federal Agency for the Supervision of Financial Services). The purposes of processing include, among others, the assessment of creditworthiness, checking identity, prevention of fraud and money laundering, compliance with obligations of control and reporting under tax law and the assessment and management of risks in the bank and in the Commerzbank Group.

Who will receive my data?

Within Commerz Real Asset Verwaltungsgesellschaft mbH, those units will be granted access to your data that need them in order to comply with our contractual and statutory obligations, e.g. Corporate Procurement. Service providers and agents appointed by us may also receive the data for these purposes. These are companies in the categories IT services, logistics, printing services, telecommunication, and collection of receivables.

As far as passing on data to recipients outside our bank is concerned, it must first be kept in mind that we will pass on only necessary personal data, observing all regulations on data protection. As a matter of principle, we may pass on information about our suppliers only if this is required by law, the individual or company concerned has given consent or we have otherwise been granted authority. Under these circumstances, recipients of personal data may, for example, be:

- Public authorities and institutions (such as the European Central Bank, the European Banking Supervisory Agency, the German Federal Bank, the Federal Agency for the Supervision of Financial Services, tax authorities, authorities prosecuting criminal acts),
- other companies belonging to the Commerzbank Group for the purposes of risk management on the basis of statutory or official obligations,
- creditors or liquidators submitting queries in connection with a foreclosure,
- auditors,
- service providers whom we involve in connection with contract data processing relationships.

Other recipients of data may be those bodies for which you have given us your consent to data transfer or to which we may transfer personal data on the basis of the balancing of interests.

Will the data be transferred to a third country or an international organisation?

Data transfer to bodies in states outside the European Union (so-called third countries) will take place to the extent

- this is required for performance of the contractual relationship (such as payment orders),
- it is required by law (such as obligatory reporting under tax law) or
- you have given us your consent.

Moreover, transfer to bodies in third countries is intended in the following cases:

- If necessary in individual cases, your personal data may be transmitted to an IT service provider in the United States or in another third country to ensure that the IT department of the bank remains operative, observing the level of the European data protection rules.

- With the consent of the data subject or as a result of statutory provisions on controlling money laundering, the financing of terrorism and other criminal acts and within the scope of the balancing of interests, personal data (such as legitimisation data) will be transferred in individual cases, observing the data protection level of the European Union.

For how long will my data be stored?

We process and store your personal data as long as it is required to meet our contractual and statutory obligations.

If the data are no longer required for the performance of contractual or statutory obligations, these will be erased on a regular basis unless – temporary – further processing is necessary for the following purposes:

- Compliance with obligations of retention under commercial or tax law which, for example, may result from the German Commercial Code (HGB), the German Fiscal Code (AO), the German Banking Act (KWG), the German Law on Money-Laundering (GwG). As a rule, the time limits specified there for retention or documentation are 2 to 10 years.
- Preservation of evidence under the statutory regulations regarding the statute of limitations. According to Secs. 195 et seqq. of the German Civil Code (BGB), these statutes of limitations may be up to 30 years, the regular statute of limitation being 3 years.

What are my rights with regard to data protection?

Every data subject has the right of access pursuant to Article 15 GDPR, the right to rectification pursuant to Article 16 GDPR, the right to erasure pursuant to Article 17 GDPR, the right to restriction of processing pursuant to Article 18 GDPR, the right to object pursuant to Article 21 GDPR and the right to data portability pursuant to Article 20 GDPR. As far as the right of access and the right to erasure are concerned, the restrictions pursuant to Secs. 34 and 35 BDSG are applicable. Moreover, there is a right to appeal to a competent data protection supervisory authority (Article 77 GDPR in conjunction with Sec. 19 BDSG).

Your consent to the processing of personal data granted to us may be revoked at any time by informing us accordingly. This also applies to the revocation of declarations of consent given to us before the effective date of the GDPR, i.e. before 25 May 2018. Note that such revocation will be valid only for the future. Processing events that took place before the date of revocation are not affected.

Am I obliged to provide data?

Within the scope of our business relationship, you are obliged to provide those personal data which are required for commencing, executing and terminating a business relationship and for compliance with the associated contractual obligations or the collection of which is imposed upon us by law. Without these data, we will

generally not be able to enter into agreements with you, to perform under such an agreement or to terminate it.

If you should fail to provide the necessary information and documents, we are not permitted to enter into the desired business relationship or to continue with such a relationship.

To what extent will decision-making be automated?

As a matter of principle, we do not use fully automated decision-making processes pursuant to Article 22 GDPR. In the event that we should use such processes in individual cases (for example rating suppliers) we will inform you of this and of your rights in this respect separately if prescribed by law.

Will profiling take place?

Your data will be processed automatically in part with the objective of evaluating certain personal aspects (profiling). For example, we will use profiling of the following cases:

- As a result of statutory and regulatory regulations, we are obliged to fight money laundering, the financing of terrorism and criminal acts jeopardising property. In that respect, data (among others, data in payment transactions) will be analysed. These measures also serve to protect you.
- In connection with the assessment of your credit-worthiness we employ scoring. With this tool, the probability of a supplier meeting contractual obligations is calculated. This calculation, for example, may take into account a business partner's income and expenditures, existing financial obligations, the profession, employer, previous experience from the business relationship, due redemption of earlier loans as well as information from credit bureaus. Scoring is based on a proven and recognised mathematical-statistical method. The resulting score values assist us in decision-making in connection with entering into contracts and will become part of the ongoing risk management.

Information about your right to object pursuant to Article 21 GDPR

Right to object based on individual cases

You have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you which is based on point (e) of Article 6 (1) (data-processing in the public interest) and point (f) of Article 6 GDPR (data-processing on the basis of the balancing of interests); this also applies for profiling as defined in Article 4 point 4 GDPR.

If you do object, we will no longer process your personal data unless we have compelling justified reasons for such processing which take precedence over your interests, rights and freedom or, alternatively, such processing serves to assert, exercise or defend legal claims.

Recipient of an objection

Such an objection may be submitted informally under the heading "objection" indicating your name, address and date of birth and should be addressed to:

Commerz Real Asset Verwaltungsgesellschaft
mbH
Tölzer Str. 2, 82031 Grünwald
Telefon: +49 89 15709822
datenschutzbeauftragter@commerzreal.com

Version 1.0 Deutschland EN