



## Information on data protection for intermediaries

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  
Germany  
Telefon: +49 89 15709822  
[cr@commerzreal.com](mailto: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  
Germany  
Telefon: +49 89 15709822  
[datenschutzbeauftragter@commerzreal.com](mailto:datenschutzbeauftragter@commerzreal.com)

### Which sources and which data do we use?

We process personal data which we receive from you or acquired in the framework of our intermediary / cooperative relationship. Moreover, insofar as this is necessary for the intermediary / cooperative relationship, we process personal data legitimately obtained from publicly accessible sources (such as 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, commercial register, or indications of criminal activities) to the extent necessary for rendering our services.

Relevant personal data are personal details (name, address and other contact data, date and place of birth and nationality), legitimisation data (such as data from ID cards), and information on qualifications and on other intermediary activities. In addition, this may also be data from the fulfilment of our contractual obligations (such as commission payments), information about your financial status (such as liabilities, attachments of earnings) 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 local accompanying Acts as appropriate in order to comply with contractual obligations (Art. 6 (1 b) GDPR)

Data processing is carried out to establish, implement or terminate the intermediary/cooperative relationship in the framework of the existing contract with you or for performing pre-contractual measures as a result of queries.

- a. 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:

- lodging legal claims and defence in case of legal disputes, ensuring IT security and the IT operation of Commerz Real Asset Verwaltungsgesellschaft mbH,
  - prevention and investigation of criminal acts or serious breaches of obligations,
  - video surveillance to exercise domiciliary rights, to collect evidence in case of attacks or fraud, for example, in branches,
  - 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.
- b. 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 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.

- c. 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 financial service provider, are subject to various legal obligations, i.e. statutory requirements (such as the Banking Act, the Law on Money Laundering, Securities Trading Act, tax laws) and regulations relating to the supervision of financial services (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, as well as of local supervisory authorities). The purposes of processing include, among other things, 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 our company 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. sales staff, legal department, finance, payment transactions processing. 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, sales and marketing and telecommunication.

As far as passing on data to recipients outside our company 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 on our intermediaries only if this is required by law, the intermediary 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 as well as local supervisory authorities),
- other credit and financial services institutions or comparable institutions to which we transfer personal data for the implementation of the contract (e.g. for commission payments),
- other companies belonging to the Commerzbank Group for the purposes of risk management on the basis of statutory or official obligations,
- 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,
- it is legitimised under data protection law through legitimate interests and there are no compelling legitimate interests of the data subject that override this.

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

- 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 local applicable Commercial Codes, Fiscal Codes, Banking Acts, Law on Money-Laundering and Law on Trading in Securities. Business records and documentation are kept with regard to the time limits specified in those regulations.
- Preservation of evidence under the applicable local statutory regulations regarding the statute of limitations.

If data processing is carried out on the basis of our legitimate interests or those of a third party, personal data will be deleted as soon as this interest no longer exists. The above-mentioned exceptions apply here.

This applies analogously for data processing on the basis of consent given. The personal data will be erased as soon as you revoke this consent for the future, unless one of the above-mentioned exceptions applies.

### 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. Furthermore the statutory regulations of the local Accompanying Acts to the GDPR are applicable. Moreover, there is a right to appeal to a competent data protection supervisory authority (Article 77 GDPR).

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 intermediary/cooperative relationship, you are obliged to provide those personal data which are required for commencing, executing and terminating a intermediary/cooperative 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, this may be an obstacle to the initiation and implementation of the intermediary/cooperation 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 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 will be analysed.

**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.

**Right to object to processing data for the purpose of direct marketing**

In individual cases, we will process your personal data for the purpose of direct marketing. You have the right to object at any time against the processing of your personal data for the purposes of such marketing; this also applies for profiling to the extent it is connected to such direct marketing.

If you do object to processing for the purposes of direct marketing, we will refrain from using your personal data for such purposes henceforth.

**Recipient of an objection**

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

Commerz Real Asset Verwaltungsgesellschaft  
mbH  
Tölzer Str. 2, 82031 Grünwald  
Germany  
Telephone: +49 89 15709822  
[datenschutzbeauftragter@commerzreal.com](mailto:datenschutzbeauftragter@commerzreal.com)