

## 1 Definitions

**Bank** means Tallinna Äripanga AS.

**The legal persons in the same consolidation group as the bank** means TBB Liisingu AS, AS TBB Invest and Morgan Trade AS, hereinafter referred to collectively also as the bank.

**Client**, for the purposes of this procedure, means a person who has contacted the bank and expressed their wish to use the bank's services, including by submitting an application to conclude an agreement, or who is using or has used a service of the bank.

**Client data** means all the data known to the bank or legal persons in the same consolidation group as it about the client.

**Authorised processor** means a person tasked by the bank with the processing of the data of the client.

## 2 General provisions

- 2.1. The bank shall process client data in accordance with this procedure for the processing of client data (hereinafter the procedure), which shall apply also to any client relations that have arisen before this procedure entered into force.
- 2.2. The bank shall implement the necessary organisational, physical and information technology security measures in order to ensure the confidentiality of client information.
- 2.3. When outsourcing a service, the bank shall conclude a relevant agreement with its cooperation partner to ensure the confidentiality of client data.
- 2.4. In unregulated matters, the bank shall be guided by the Credit Institutions Act, the Personal Data Protection Act, the General Data Protection Regulation of the European Union, the Money Laundering and Terrorist Financing Prevention Act, the instructions of the Financial Supervision Authority and other legislation.
- 2.5. The bank shall be entitled to modify this procedure unilaterally by notifying the client thereof two months in advance in accordance with the procedure stipulated in the general terms and conditions.

- 2.6. The bank designated a data protection specialist whose contact details shall be published on the website of the bank at [www.tbb.ee](http://www.tbb.ee).

## 3 Composition of client data

- 3.1. The bank shall process the following information disclosed to it by the client:
  - 3.1.1. client's personal details (name, personal identification code, date of birth, identity document number etc.);
  - 3.1.2. client's contact details (e-mail address, telephone number, postal address etc.);
  - 3.1.3. information about the financial situation of the client (employment, employer, assets, income, liabilities, prior payment record, account number, account balance, tax payer ID number, residence, arrears, transactions effected in the account, dependents etc.);
  - 3.1.4. information about the client's activities or the origin of their assets (employer, transaction partners, business activity, beneficiary etc.);
  - 3.1.5. information about the securities owned by the client to ensure information exchange at the Estonian Central Register of Securities;
  - 3.1.6. information about the client's education to assess their competence;
  - 3.1.7. information about the tax residence of the client (country of residence, identification number of the taxable person and the like).

## 4 Purposes of the processing of personal data

- 4.1. The bank shall process client data only for the accomplishment of legitimate objectives and solely to the extent needed for the performance of the obligations imposed on the bank by legislation, the provision of services for the client or the defence of the breached rights of the bank, specifically for:
  - 4.1.1. review of the client's application and for deciding the conclusion of an agreement;
  - 4.1.2. performance of the agreement concluded, including checks on contractual transactions and operations or updates of the client data;

- 4.1.3. pursuit of debt proceedings, the transmission of information to legal advisers, a court or a public authority handling complaints;
- 4.1.4. communicating with the client or for the transmission of information connected to the performance of the agreement;
- 4.1.5. assessment of the client's solvency, the provision of a financial service suitable for them and compliance with the principle of responsible lending;
- 4.1.6. conducting surveys, evaluating services provided or analysing or forecasting consumption needs;
- 4.1.7. providing the bank's services and products and running marketing campaigns;
- 4.1.8. managing risks for the purposes of mitigating them and to prepare reports;
- 4.1.9. meeting the bank's prudential, capital and liquidity requirements;
- 4.1.10. compliance with statutory requirements, including the implementation of measures for the prevention of money laundering and the financing of terrorism, answering queries from public authorities, submitting tax declarations and establishing the legitimacy of the client's activities and their compliance with the bank's requirements;
- 4.1.11. data of third parties to the extent needed to be able to decide the conclusion of an agreement with the client and to perform it.

## **5 Processing of client data and transmission thereof by law to third parties**

- 5.1. The bank shall be entitled to process and provide third parties without the client's consent, on bases resulting from legislation, specifically:
  - 5.1.1. Eesti Pank and the Financial Supervision Authority for the performance of their functions under legislation;
  - 5.1.2. a court or, in instances stipulated by legislation, a person specified in a court ruling;
  - 5.1.3. a pre-trial investigation authority or the prosecutor's office in criminal proceedings launched or on the basis of a request from a foreign state for legal assistance in accordance

- with the procedure specified in an international treaty;
- 5.1.4. the bailiff in accordance with the Code of Enforcement Procedure, the bankruptcy administrator in the instances provided for in the Bankruptcy Act and also security authorities for the performance of the functions provided for in the Security Authorities Act;
- 5.1.5. the tax authority according to the provisions in the Taxation Act and the provisions in the Tax Information Exchange Act and also based on a reasoned ruling in a misdemeanour procedure that has been launched;
- 5.1.6. the Financial Supervision Authority for the performance of its functions;
- 5.1.7. a person entitled to succeed or a person authorised by the latter or a notary or a person making the inventory of an estate at the appointment of a notary or the administrator of an estate appointed by a court or a consular representation of a foreign state in connection with estates and data relating thereto, upon the submission of the relevant written documents;
- 5.1.8. a person appointed by the Guarantee Fund under the Guarantee Fund Act;
- 5.1.9. the financial supervision agency of a foreign state or some other financial supervision agency via the Financial Supervision Authority if that agency is subject to the obligation of preserving banking secrecy;
- 5.1.10. a depositary of declarations of economic interests for the verification of the correctness of the data submitted on a declaration of economic interests under the Anti-Corruption Act;
- 5.1.11. the Estonian Tax and Customs Board in terms of the information needed for the performance of the supervision provided for in the Gambling Act as well as in the instance and to the extent stipulated in the Income Tax Act;
- 5.1.12. personal data specified in the Tax Information Exchange Act for the Estonian Tax and Customs Board;
- 5.1.13. a financial institution in the same consolidation group as the bank or another credit institution

needing the data concerning the history of the performance of payment obligations of a client for the calculation of the capital requirements for credit risk and the application of the principles of responsible lending;

- 5.1.14. a preliminary investigator, the public prosecutor and the courts in order to protect its rights, violated or contested by the bank, pursuant to the procedure determined by law;
- 5.1.15. the Financial Intelligence Unit and the Estonian Internal Security Service in the cases and to the extent prescribed in the Money Laundering and Terrorist Financing Prevention Act and the International Sanctions Act.

## **6 Processing of client data and transmission thereof to third parties for the conclusion and performance of an agreement**

- 6.1. By entering or by expressing their intent to enter into relations with the bank with respect to a transaction, the client shall grant their consent for the processing and for the transmission of personal data to third parties, specifically:
  - 6.1.1. banks, correspondent banks, payment institutions, other financial institutions involved in the execution of domestic urgent payments or international banking transactions, for example, the SWIFT (Society for Worldwide Interbank Financial Telecommunication) international information system;
  - 6.1.2. payment service providers, payment institutions, international card organisations, insurers, e-invoice issuers, sureties, guarantors, the Estonian Central Register of Securities, notaries and any other third parties connected to the performance of the agreement;
  - 6.1.3. the registrar of national databases (land, commercial and population registers) in relation to the need to check the accuracy of personal data;
  - 6.1.4. the registrar of the payment default register (including Krediidinfo AS) if the client has an outstanding financial obligation at the bank. the data of the Client processed in the register of

Krediidinfo AS and the terms and conditions of processing them may be reviewed on the website at [www.krediidinfo.ee](http://www.krediidinfo.ee);

- 6.1.5. legal persons in the same consolidation group as the bank, for the purposes of identifying the client, ascertaining the origin of the client's assets, assessing their solvency, providing the client a suitable financial service, running marketing campaigns, assigning a right of claim of the bank (with respect to an outstanding financial obligation of the client) etc.;
- 6.1.6. for the internal and external auditors of the bank and of legal persons in the consolidation group of the bank;
- 6.1.7. for legal persons providing professional collection services for the assignment of the right of claim (an outstanding financial obligation of the client) of the bank or a legal person in the same consolidation group as the bank
- 6.1.8. under the cooperation agreements concluded for the provision of a banking service for the bank's cooperation partners (for example, support agreements for licence agreements etc.);
- 6.1.9. A person providing services for the bank (auditor, legal services provider etc.).

## **7 Client's rights when personal data are processed**

- 7.1. When client data are processed, the client shall have all the statutory rights including but not limited to:
  - 7.1.1. request from the bank information about the personal data collected about them within the statutory time limit but not later than within one month from the submission of a relevant request to the bank;
  - 7.1.2. require the amendment of personal data if the data have changed or are incorrect for any other reason;
  - 7.1.3. forbid the use of contact details for sending advertisements or offers;
  - 7.1.4. require the bank to stop processing their data, except where the right and obligation to process data is stipulated by legislation or if it is necessary for the performance of or for securing the performance of an agreement concluded with

the client or if the time limit for the preservation of data has not lapsed;

- 7.1.5. contact an authorised member of the bank's staff, the data protection specialist of the bank, the Estonian Data Protection Inspectorate or a court if the client believes that the processing of their personal data has infringed on their rights.

## **8 Bank's rights when processing client data**

8.1. When processing client data, the bank shall have all the statutory rights including but not limited to:

8.1.1. for the purposes listed in chapter 4, process client data publicly available about the client and/or obtained from third parties given the statutory requirements;

8.1.2. Upon the expiry of the agreement concluded with the client, continue processing client information if it is necessary for the performance of statutory obligations or for the purposes of ensuring the preservation of the data for the settlement of disputes arising from agreements concluded with the client.

8.2. After the termination of the agreement concluded with the client, the bank shall continue to process client data if it is necessary in order to perform a statutory obligation or preserve data for the resolution of a dispute under an agreement concluded with the client. Generally, the bank shall preserve client information for up to 10 years after the end of the client relationship, that is, when the agreements concluded with the client have expired, unless legislation stipulates a direct obligation to preserve client information for the duration of a different term.

This version of the procedure for the processing of client data of Tallinn Business Bank has been approved by the Management Board of Tallinn Business Bank 31.01.2018.