

# Statement on the collection of data not obtained directly from the data subject

- 1) Pursuant to provisions of the Credit Institutions Act, OTP banka d.d. (hereinafter referred to as: Bank) has the obligation to keep secret all data, facts and circumstances learned based on providing services to and transacting with Clients. A Bank Client is considered to be any person requesting or receiving a banking and/or financial service from the Bank.
- 2) Exceptions to bank secrecy are detailed in article 157, paragraph 3 of the Credit Institutions Act.
- 3) Pursuant to the General Data Protection Regulation (EU) 2016/679 taking effect on 25 May 2018 (hereinafter referred to as: Regulation) and implementing legislation, the Bank provides the following information to ensure fair and transparent Client data processing and protection:
  - a) Controller: OTP banka d.d., Domovinskog rata 61, 21 000 Split;
  - b) Contact details of the data protection officer:
    - Mail: Data Protection Officer of OTP banka d.d., Domovinskog rata 61, 21 000 Split or
    - E-mail: [zastita-osobnih-podataka@otpbanka.hr](mailto:zastita-osobnih-podataka@otpbanka.hr)
    - Info phone number: 0800 210021
    - Info e-mail address: [info@otpbanka.hr](mailto:info@otpbanka.hr)
  - c) Personal data collected: full name, Personal Identification Number (OIB), sex, maiden name, date of birth, place of birth, country of birth, citizenship, identification document: (type and number, issuer, date of issuance, date of expiry), home/permanent residence address: (street and house number, postal code, city, country), contact details for notifications and statements: (street and house number, postal code, city, country, telephone, mobile phone, e-mail address), additional information and tax residency confirmation: state of taxation, Tax Identification Number (TIN), foreign tax number, political exposure declaration, occupation, years of service, employer, employment contract type, job position, income, expected annual account inflows to the account, SKDD (Central Depository and Clearing Company) number;
  - d) Personal data are processed for the following purposes:
    - due diligence and establishment of a business relationship based on the valid Credit Institutions Act, Companies Act, Anti Money Laundering and Terrorist Financing Act, Act on Administrative Cooperation in the Field of Taxation and applicable secondary legislation, as well as other applicable general terms & conditions of the Bank;
    - evaluation of creditworthiness for the purpose of realisation of a credit contractual relationship (loans, guarantees, letters of credit, binding letters of intent, leasing, factoring etc.), monitoring performance of a credit facility, debt enforcement in case of defaulting credit contractual relationships, as well as possible sale of defaulting credit facilities, all according to the following legal bases: Credit Institutions Act, Bill of Exchange Act, Execution Act, Execution of Financial Resources Act, Land Registry Act and other applicable secondary legislation and applicable general terms & conditions of the Bank for which purpose data are collected about persons that may directly or indirectly affect the business performance of the Bank's Client, such as the owner, board members and other key employees and personal data of other loan participants, co-borrower, guarantor, pledge debtor, fiduciary debtor, participant, seller, spouse;
    - provision of the contracted service according to General Terms & Conditions of eLEMENT@ for Business Entities, General Terms & Conditions of Using otp m-business Service for Business Entities and General Terms & Conditions of Using SMS info Service for Business Entities, as published on the Bank's website, in particular the execution of payment services (national, cross-border and international payment transactions), resolving complaints regarding the execution of payment transactions, creation and delivery of statements and confirmations regarding payment services and for the purpose of providing payment services. All of the above is performed on the following legal bases: Credit Institutions Act, Payments Act, Anti Money Laundering and Terrorist Financing Act, General Tax Act, Contributions Act, Act on Administrative Cooperation in the Field of Taxation, Bill of Exchange Act, Execution Act, Execution of Financial Resources Act, Land Registry Act, Foreign Exchange Operations Act, Act on the Comparability of Fees, Payment Account Transfer and Basic Account Access, Act on the Financing of Political Activities and Election Campaigns and applicable secondary legislation;
    - sale of products and provision of services of the Bank as well as concluding corresponding contracts according to applicable general terms & conditions of the Bank's operations, where the legal representative provides to the Bank his or her own details and third party details with the purpose of realisation and conclusion of the above contracts, such as: authorised signatories, users of VISA business cards, users/signatories of deposit contracts, direct debit contracts, SEPA direct debit contracts, MT101 execution contracts, contracts on the transfer of funds from Bank accounts, POS contracts, collection/delivery of cash (cash collection and cash deposit machine services), replacement of coins, safe

deposit boxes, contracts with authorised exchange offices, cash pooling contracts, collections, B2G service contracts, MT940 contracts, MT942 contracts, treasury products such as FX Spot and FX forward transactions, money market instruments (deposits and FX swaps), interest rate swaps, bonds, treasury notes and financial instruments listed on the capital market (equity securities such as shares, for example), users of OTPFaktiOnline i OTPFakti,

- sale of products and provision of services of the Bank as well as conclusion of corresponding contracts according to applicable General Terms & Conditions of the Bank, the Capital Market Act and regulations passed based thereon, Income Tax Ordinance, Alternative Investment Funds Act and regulations passed based thereon, Act on Open-Ended Investment Funds with a Public Offering and regulations passed based thereon, Mandatory Pension Funds Act and regulations passed based thereon, Voluntary Pension Funds Act and regulations passed based thereon, where the legal representative (signatory of this statement) provides to the Bank his or her own details and third party details with the purpose of realisation and conclusion of the above contracts for securities services, including custody services and depositary bank services.
- e) Contact details (mobile phone number, telephone number, fax number, e-mail address) are collected based on the Bank's legitimate interest and for business relationship quality enhancement purposes. Likewise, legitimate interest has been established in the communication to small businesses for marketing purposes, where the Bank informs them about related products, services and offers identified to be potentially important or interesting for their business activity. The Bank based on legitimate interest carries out the data processing of official contact data related to natural person performing activities inside the business entities (Bank's clients/potential clients) in purpose of direct marketing which may include performing of surveys and questionnaires, etc
- f) Categories of recipients are as follows: Croatian National Bank, Croatian Financial Services Supervisory Agency (HANFA), FINA, Ministry of Finance, Tax Administration, Anti Money Laundering Office; Croatian Credit Information Registry/HROK, Croatian Bank for Reconstruction and Development, Croatian Agency for SMEs, Innovation and Investments, European Investment Bank, institutions pursuant to relevant business cooperation agreements, insurance companies, public notaries, courts, domestic and foreign banks performing national, cross-border and international payment transactions, third parties performing custody operations (legal persons delegated to perform custody operations, issuers of financial instruments), depositories of financial instruments, foreign regulatory authorities and foreign tax authorities, counterparties specialising in the provision of outsourced services under conditions defined in the Outsourcing Decision;

Pursuant to provisions of the Credit Institutions Act (article 157, paragraph 3), the Bank is authorised to provide data in the following cases as well:

1. where the Client agrees that certain confidential information may be disclosed to another natural and/or legal person, provided such consent is verifiable. Where confidential data include personal data, consent shall be given in accordance with the regulations providing for personal data protection;
2. where this enables the credit institution to realise its interest when exercising the sale of client's receivables;
3. where confidential information is disclosed to the Croatian National Bank, the Financial Inspectorate of the Republic of Croatia or another supervisory authority for the purposes of supervision or oversight within their competence;
4. where confidential information is exchanged within a group of credit institutions for the purpose of risk management;
5. where confidential information about a Client is disclosed directly to another credit institution in accordance with Article 321 of this Act;  
5.a) where confidential information about a Client is disclosed directly to another credit institution and/or a financial institution or is disclosed to a legal person that collects and shares information with credit and/or financial institutions, and such information is necessary for a creditworthiness assessment of a Client or for credit risk management purposes;
6. where confidential information on clients who defaulted on their obligations is disclosed to a legal person who collects and disseminates such information among credit and/or financial institutions;
7. where the disclosure of confidential information is essential for collecting and establishing facts in criminal or preliminary proceedings, when requested or ordered in writing by the competent court;
8. where the disclosure of confidential information is necessary to carry out foreclosure or bankruptcy proceedings over the property of a client, legacy proceedings or other property-rights proceedings, and such disclosure is requested or ordered in writing by the competent court or public notary in the course of performing the functions entrusted to them pursuant to law;
9. where the interests or obligations of a credit institution or its client require the disclosure of confidential information to establish the legal relationship between the credit institution and the client in court proceedings, arbitration proceedings or conciliation proceedings;
10. where confidential information is disclosed to the Office for the Prevention of Money Laundering pursuant to the law governing the prevention of money laundering and terrorist financing;
11. where confidential information is disclosed to the Office for the Prevention of Corruption and Organised Crime pursuant to the law governing the prevention of corruption and organised crime;
12. where confidential information is required by the tax authorities (Tax and Customs Administration) in procedures carried out within the framework of their competence under law, and is disclosed at their written request;
13. where confidential information is disclosed to the Croatian Deposit Insurance Agency pursuant to the law governing deposit insurance;
14. where the account balance reflects inability to effect payments and the certificate is requested to substantiate the existence of grounds for bankruptcy;

15. disclosure of information to insurance undertakings within the procedure of insuring the credit institution's receivables;
  16. disclosure of information in the course of concluding legal arrangements which have the effect of insuring the credit institution's receivables, such as derivative credit instruments, bank guarantees and similar arrangements;
  17. disclosure of information, subject to written consent of the credit institution's management board, to a holder of a qualifying holding in the credit institution, to a person intending to acquire a qualifying holding in the credit institution, to a person to whom the credit institution is merged by acquisition or with whom the credit institution merges by formation of a new credit institution, to a legal person intending to take over the credit institution as well as to auditors, legal and other experts authorised by a holder of a qualifying holding or a potential holder;
  18. disclosure of information necessary for the exercise of the credit institution's activities which are subject to outsourcing, where information is disclosed to the providers of outsourced activities;
  19. where a credit institution which provides services of storing and administering financial instruments for the account of clients, including custody services, discloses information on the holder of securities to a credit institution which is the issuer of these non-material securities at its request;
  20. where confidential information is disclosed to social welfare centres at their written request, within the framework of their competence under law and for the purpose of taking measures to protect the rights of children (persons under 18) and persons under guardianship;
  21. where requested in writing by the competent State Attorney's Office or the European Public Prosecutor's Office, or where a State Attorney's Office of the Republic of Croatia orders the Ministry of the Interior in writing to collect information in preliminary proceedings;
  22. where confidential information is disclosed to a co-debtor, pledgor, guarantor or another participant in the credit relationship, and only information on that credit relationship;
  23. where confidential information is disclosed at written request to a person who incorrectly paid funds to an account of a credit institution's client, and only information necessary to initiate court proceedings for the repayment of incorrectly paid funds;
  24. where confidential information is disclosed to resolution authorities and the Ministry of Finance in connection with the implementation of the Act on Recovery and Resolution of Credit Institutions and Investment Firms;  
24.a) where confidential information is disclosed to the Single Resolution Board pursuant to Regulation (EU) 806/2014, and
  25. where so provided in other acts.
- g) The Bank shall, pursuant to the Credit Institutions Act, keep personal data for at least 11 years after the end of the year in which the business relationship ceased.
- h) The client shall have the right to request from the Bank at any time subject to conditions of the Regulation:
- Right to information regarding data processing;
  - Right of access to his or her personal data;
  - Right to rectification of inaccurate personal data concerning him or her;
  - Right to erasure of personal data ('right to be forgotten'), unless there are grounds for data retention which shall be explained;
  - Right to restriction of processing concerning him or her,
  - Right to data portability;
  - Right to lodge an objection with the Controller.
- i) The client shall have the right not to be subject to a decision based solely on automated processing, including profiling, which concerns him or her or similarly significantly affects him or her, except in those cases where such decision is necessary for the execution and performance of contracts between the Bank and the Client or is based on the Client's explicit consent or is permitted by regulations applicable to the Bank.
- j) The client shall have the right to lodge complaints with the supervisory authority Personal Data Protection Agency, Ulica Metela Ožegovića 16, 10 000 Zagreb;
- k) The collected personal data, save the ones designated as optional, are a prerequisite for contract execution or, respectively, performance of the contractual relationship with the Client and the realisation of the contractual relationship shall not be possible without such data.
- l) Detailed information on data protection is contained in the Data Protection Policy published at [www.otpbanka.hr](http://www.otpbanka.hr) and available in branch offices of the Bank at the Client's individual request.