



## Information about the EU General Data Protection Regulation (GDPR)

### Introduction

This information refers to the EU citizens' rights regarding the processing of personal data by Komercijalna Banka AD Skopje in accordance with the **EU General Data Protection Regulation (GDPR)**.

#### 1. Identity of the controller and contact for Data protection officer

**Controller:** Komercijalna Banka AD Skopje

Orce Nikolov Str., No. 3,

Phone +3892 3296800

1000 Skopje (R. Macedonia)

**Contact:** Data protection officer

E-mail: [dataprotection\\_info@kb.com.mk](mailto:dataprotection_info@kb.com.mk)

#### 2. Personal data processed by the Bank and and the sources they are received from

The Bank processes the personal data it receives from the clients when concluding and in the course of the business relationship. In addition, insofar as necessary for the provision of the services, the Bank process personal data which are obtained and are permitted to process from publicly accessible sources (eg. Credit Registry, Agency for Real Estate Cadastre, Public Revenue Administration, KIBS AD Skopje, State Enforcement Agents, Public Notary, credit agencies, Financial Police, Public Prosecution, as well as other institutions regulated with the Banking Law of Macedonia), or which has been transferred by third parties authorized by law).

Relevant personal data include particulars (name, surname, address, contact details, date and place of birth and nationality), data concerning credentials, (eg. ID data) and authentication data (eg. signature specimen). This may also be extended to other data (e.g. payment instructions), data from fulfillment of contractual obligations, information regarding financial standing (eg. data regarding creditworthiness, credit scoring/ rating of the source of assets), register data, data about use of digital media (e.g. time of access to Banks web page, apps or newsletters, pages or links clicked on) and other data comparable with this categories.

#### 3. Purpose and legal basis of data processing in the Bank

The Bank processes personal data for the fulfillment of contractual obligations, for the purposes of balancing of interests, on the basis of legal obligations or public interest, as well as on the basis of a given consent of the client.

### **3.1. Fulfillment of contractual obligation (Article 6/1/b, GDPR)**

The processing of personal data is carried out in order to perform banking activities and financial services and for the realization of the contracts concluded with clients. Data processing is primarily carried out in relation to a specific product (eg. accounts, loans, debit and credit cards, insurance and saving deposits), and objectives can include analysis of investment objectives, provision of advice, asset management services and the execution of transaction including the sharing of data with other companies or third countries, according to the payment instructions.

### **3.2. Balancing of interests (Article 6/1/f, GDPR)**

If necessary, the Bank shall process the data longer than the minimum defined term in order to perform the services it provides for the clients, as well as for the protection of the clients' interests. It includes the following cases:

- advertising of Bank's products, based on consent for use of personal data;
- legal and regulatory requirements;
- protection of the Bank's ICT security systems;
- prevention and investigation of criminal activities;
- video surveillance for the protection of the property of the Bank, employees and clients, (including the right to provide evidence in case of theft or fraud, confirmation of payments or payments (eg ATM);
- building and setting up security measures (eg access control);
- sharing personal data with companies in accordance with contractual or legal obligations.

### **3.3 Pursuant to legal provisions (Article 6/1/c, GDPR) or in the public interest (Article 6/1/e, GDPR)**

The Bank processes personal data in accordance with legal obligations (Banking Law, Law on Prevention of Money Laundering and Financing of Terrorism., Tax Regulation, etc.) and on the basis of regulatory requirements imposed by institutions such as the National Bank of the Republic of Macedonia or other institutions regulated by law. The data are processed for purposes such as credit checks, identity verification, identification for the purposes of money laundering prevention, fulfillment of personal income tax obligations, notifications under the Personal Income Tax Act and related by-laws, etc.

### **3.4. Based on clients consent (Article 6/1/a, GDPR)**

The Bank processes personal data on the basis of consent for personal data processing for certain purposes (eg for marketing purposes). Consent may be withdrawn at any time, including the consent given prior to the implementation of the GDPR, i.e. prior to May 25, 2018. Revocation of consent shall not affect the data processed prior to the withdrawal of consent.

#### **4. Access to personal data in the Bank**

The employees in the organizational units in the Bank who need data for the fulfillment of the contractual and legal obligations, or who have a legitimate interest, have access to personal data.

The Bank can provide customer information only if it is a legal obligation or if the client has given its consent to do so. Accordingly, users of personal data may be:

- state bodies, entities that perform public authorizations and institutions (National Bank of the Republic of Macedonia, tax authorities, notaries, executors, skilled persons, judicial authorities, etc.) if there is a legal obligation and
- other banks and institutions that provide financial services or similar institutions to which the Bank submits personal data (correspondent banks, depository banks, stock exchange, credit agencies etc.).

The Bank also submits personal data to the service providers and agents it uses in the following areas: credit services, taxation and accounting, information technology services, logistics, printing services, telecommunications, debt collection, advisory and consulting services, sales and marketing. The personal data of the service providers may be submitted only on the basis of a contract concluded with the service provider and prior checking that they fulfill the conditions for legal processing of personal data.

Regarding the submission of data to users, the Bank takes care of the confidentiality and the obligation to keep bank secrecy.

#### **5. How long is data stored**

The Bank process and store personal data for as long as is required in order to fulfill its contractual and legal obligations.

In addition, the Bank is subject to various retention and documentation obligation arising from legal and regulatory obligation such as Banking Law, Law on Prevention of Money Laundering and Financing of Terrorism, the Law on Archiving, the Law on Tax Procedure etc. The time limits specified in these laws and regulations for keeping records and / or documentation may be five to ten years after the business relationship with the client is over. If the legal regulation requires a longer storage of data, the Bank handles and stores data for more than 10 years, in accordance with the legal requirements.

#### **6. Transfer of the data to a third country**

Personal data is transmitted to third countries (EU countries, as well as countries outside the EU) only if it is required for the execution of orders (for payment or warrants related to securities), if provided by law / regulation or on basis of a given consent.

#### **7. Data protection rights of the subjects**

Under the GDPR, data protection rights are: right to access (Article 15 GDPR), the right to rectification (Article 16, GDPR), the right to erasure (Article 17, GDPR), the right to restriction of processing (Article 18, GDPR), the right to

object (Article 21, GDPR) and the right to data portability (Article 20, GDPR). Regarding the right of access and the right to erasure, certain restrictions apply in accordance with the Banking Law, the Law on Archiving, the Law on Personal Data Protection, the Law on Tax Procedure, the Law on Prevention of Money Laundering and Financing of Terrorism.

#### **8. Duty to provide personal data to the Bank**

Within the established business relation, the client has an obligation to submit to the Bank personal data necessary for starting and executing the business relation, i.e. fulfilling the corresponding contractual obligations. According to the Law on Prevention of Money Laundering and Financing of Terrorism, the Bank has a special obligation to identify the client before establishing the business relationship (to provide and record data such as name, surname, place and date of birth, citizenship, address and other identification data, as well as a copy of the personal identification document), and to update at the specified time intervals the identification documents for the entire duration of the business relationship.

#### **9. Automated decision making**

The Bank does not use fully automated decision making pursuant to Article 22 GDPR for establishment and execution of the business relationship. At the request of a client, the Bank will provide more detailed information thereof.

#### **10. Profiling**

The Bank processes personal data on a partially automated basis in order to use personal data for evaluation of certain personal aspects, and in particular for analyzing or predicting aspects, such as:

- for the prevention of money laundering, financing of terrorism or for the prevention of other criminal activities that lead to the risk of property damage. In this sense, data analysis is performed (eg data on payment transactions);
- during the creditworthiness assessment, in order to calculate the probability of how the client will be able to fulfill his payment obligations in accordance with the terms and conditions of the agreement. In the calculations, the following attributes can be taken into account: income, expenses, existing obligations, profession, employer, experience, previous business relationship, loan repayment under contract and information received from credit agencies;
- when using the Internet, mBank or cards, the Bank monitors payment transactions for security and in order to prevent abuses in accordance with standards and regulations;
- based on the given consent, for providing customized information and advice regarding products and services of the Bank, using internal data analyzes.

#### **11. Information regarding the right to object pursuant to Article 21 of the GDPR**

The Client has the right to an objection, at any time, concerning the processing of his/her personal data, which is based on Article 6/1/c, GDPR (data processing in the public interest) and Article 6/1/f, GDPR (data processing based

on legitimate interests). This also applies to any profiling based on this provision within the meaning of Article 4 item 4, GDPR, which the Bank uses for credit rating or advertising purposes.

In the event of an objection, the Bank will not continue processing the personal data unless there is a legal or legitimate interest in the processing of personal data that exceeds the rights to protect personal data. The Bank uses certain personal data for the purposes of direct marketing. The Client at any time has the right to object to the processing of personal data relating to such marketing. This also applies to profiling, to the extent that it relates to such direct marketing. In the event of an objection to the processing for the purposes of direct marketing, the Bank will no longer process personal data for that purpose.

The complaint is not subject to any formal request and should be addressed to:

**Komercijalna Banka AD Skopje**

**Data Protection Officer**

**Orce Nikolov Str., No. 3**

**1000 Skopje, R. Macedonia**

**e-mail: [dataprotection\\_info@kb.com.mk](mailto:dataprotection_info@kb.com.mk)**