

# OTP BANK PLC.

## *Non-retail sales activity*

### PRIVACY STATEMENT

This Privacy Statement is an addition to Sub-Annex 5, Annex 2 of OTP Bank Plc.'s General Business Regulations (hereinafter referred to as: "General Privacy Statement"), which deals with data processing, and specifies the terms and conditions of data processing carried out during non-retail sales activity. This Privacy Statement shall be applied together with the General Privacy Statement [available on the privacy website](#) of OTP Bank Plc.

#### 1 DATA CONTROLLER AND CONTACTS

##### 1.1 Name of the controller: OTP Bank Plc. (hereinafter referred to as: "Controller" or "Bank")

Registered office: 1051 Budapest, Nádor u. 16  
Mailing address: OTP Bank Plc., 1876 Budapest  
E-mail address: [informacio@otpbank.hu](mailto:informacio@otpbank.hu)  
Telephone number: (+36 1/20/30/70) 3 666 666  
Website: [www.otpbank.hu](http://www.otpbank.hu)

Contact details of the data protection officer of the Controller:

Name: Zoárd Gázmár  
Mailing address: 1131 Budapest, Babér u. 9  
E-mail address: [adatvedelem@otpbank.hu](mailto:adatvedelem@otpbank.hu)

#### 2 PROCESSING OF DATA SUBJECTS' DATA

##### 2.1 Purpose of the processing;

The purpose of the Controller is to make data subjects aware of its own and intermediated products and services, and thereby contribute to enabling Clients to familiarise themselves with the Bank's product range and, on the basis of this knowledge, to select and use the product or service that best suits their needs.

##### 2.2 Scope of data subjects

The Controller seeks to target data subjects with its product offering who or which may make use of the product range provided to non-retail clients, whether or not they are clients of the Bank's Corporate Division.

##### 2.3 Scope of the processed data

The Controller primarily wishes to obtain the contact details of the data subjects used in the course of their business activities or work for the purposes stated. In line with the principle of personal data minimization and given that the Bank is not contacting data subjects in their capacity as consumers, but either as a natural person carrying out independent economic activities (e.g. private entrepreneurs, primary producer) or as a representative of an organisation (e.g. as an executive officer), it prefers to use contact details that are not considered personal data within the meaning of the General Data Protection Regulation. If, however, only personal data is available, the following categories of personal data may be processed, subject to the conditions of lawfulness:

- name of the natural person,
- position of the natural person within the organisation,
- telephone number of the natural person,
- electronic mailing address of the natural person,
- mailing address of the natural person,

The Bank shall never ask data subjects to provide their identification data as natural persons or other data constituting a banking secret in electronic mail or via direct mail.

The Bank is not aware that certain corporate electronic mailing addresses are used exclusively by one or more natural persons at the same time, and therefore considers any e-mail address that does not clearly specify one natural person to be a pseudonym. Natural persons using such electronic mailing addresses are not identified by the Bank.

The source of the data processed may be the data subject, but not in all cases. The Controller uses OPTEN's company information service to collect contact details, which may in certain cases be considered personal data. The OPTEN IT Services Ltd. [Privacy Policy](#) contains information on the data processing of OPTEN Ltd.

## **2.4 Legal basis of data processing**

The personal data of data subjects are processed in accordance with

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (Text with EEA relevance) (hereinafter referred to as: “General Data Protection Regulation”),
- Directive 2002/58/EC of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications),
- Act CXII of 2011 on the Right of Informational Self-Determination and the Freedom of Information (hereinafter referred to as: “Information Act”), and
- Act XLVIII of 2008 on the Basic Requirements and Certain Restrictions of Commercial Advertising Activity (hereinafter referred to as: “Advertising Act”).

The processing is carried out on the basis of Clause 4.1 (e) (consent) and (c) (legitimate interest) of Clause 4 of the General Privacy Statement (Legal basis of processing) [available on the privacy website](#) of OTP Bank Plc, with regard to Clause 4.2 as follows.

### **2.4.1 Consent of the data subject**

With regard to Article 13(1) of the Directive on privacy and electronic communications and Section 6 (1) of the Advertising Act, where the recipient of commercial communications is not a client of the Bank, data processing for the purposes of direct marketing is based on consent.

Communication of processed data with other recipients (see Clause 3 of the Notice) is also based on consent, as provided in Section 6 (5) of the Advertising Act.

The data subject may withdraw their consent at any time. The withdrawal of consent does not affect the legitimacy of the data processing carried out before the withdrawal.

### **2.4.2 The Controller's legitimate interest**

#### *2.4.2.1 Electronic mail to own clients*

With regard to Article 13(2) of the Directive on privacy and electronic communications and recital 47 of the General Data Protection Regulation, the Bank Corporate Division's direct marketing to its own clients is based on the Bank's legitimate interest.

#### *2.4.2.2 Direct mail advertisement*

Under Section 6 (9) of the Advertising Act it is not necessary to obtain the data subject's consent if the Data Controller addresses at least 500 (five hundred) recipients and sends a postal item not individually designated pursuant to Act CLIX of 2012 on Postal Services (hereinafter referred to as: "Postal Services Act") (hereinafter referred to as: "direct mail"). The Bank's Corporate Division sends such mail only to economic and other social and administrative organisations (associations, foundations, local municipalities, etc.).

#### *2.4.2.3 Demonstration of legitimate interest*

Where the Data Controller sends direct mail or electronic mail to its own clients belonging to the Bank's Corporate Division for direct marketing purposes, processing is based on legitimate interest within the meaning of Article 6(1)(f) of the GDPR. The Controller's legitimate interest is to pursue its prudent economic activity and to communicate directly with its clients for commercial purposes.

The data subjects' right to privacy is balanced against the legitimate interest of the Controller. The Controller protects the privacy of data subjects by contacting them not in their capacity as consumers, but in the context of their business or work, and through channels (e.g. electronic mailing addresses) that are relevant for the conduct of their business or for the performance of their work. This reduces the level of intrusion into their private lives.

The Controller is convinced that its range of products not only improves the performance of the organisations and undertakings (public, social or economic) contacted, but also serves the economic recovery of the country, and therefore the Controller is convinced that the promotion of these products, if not carried out, may also cause harm to the data subject, and therefore there is no doubt about the necessity to continue the advertising activity and, consequently, the processing of certain personal data. In order to prevent and avoid damage, the Bank uses data for reaching the target group, which it obtains from a database based on public records or from the Bank's own database. Such data are data that the data subjects themselves provided in accordance with their business or other non-consumer activities.

The Bank is a credit institution with a strong emphasis on prudent operations. Accordingly, it also places great emphasis on compliance with the General Data Protection Regulation. The Controller ensures the exercise of rights by the data subject, including the right to object to the data processing. This right is granted to the data subject with particular regard to Article 21(2) and (3) of the General Data Protection Regulation. The Data Controller has implemented the necessary technical and organisational measures and they are an integral part of its daily operations (the possibility to unsubscribe by e-mail with one click).

In the light of the above, data processing for direct marketing purposes by the Bank is proportionate to the restriction of the rights and freedoms of the data subjects.

### **2.5 Supplementary information on the storage of personal data**

The Controller processes the personal data for this purpose until consent is withdrawn or an objection to the processing of personal data processed on the basis of legitimate interest is raised. In addition, the Controller will periodically review the accuracy of the personal data stored. Where the Controller becomes aware of a change in the personal data, it will correct or delete inaccurate personal data after prior consultation with the data subject, in accordance with the data subject's wishes. If this renders the purpose of the processing impossible, all personal data relating to the data subject will be deleted.

### **2.6 The rights conferred on the data subject**

The data subject has the following rights:

- right to access,
- right to rectification,
- right to erasure,
- right to restriction of processing,
- right to data portability,
- right to object against processing,
- right related to automated decision-making and profiling (this does not take place),
- right to lodge a complaint and right to remedy.

For more information about your rights, please refer to the General Privacy Statement [available on the privacy website](#) of OTP Bank Plc, which you can access by clicking on the link.

### **3 RECIPIENTS OF THE PERSONAL DATA**

The Controller may share the personal data referred to in Clause 2.3 with the following person or persons carrying out the processing in the context of its marketing activities:

Budapest, 16 April 2020