OTP Bank Plc.
Payments Tribe

PRIVACY NOTICE

Current changes are highlighted in grey and italics within the text.

This Privacy Notice is a supplement to Annex 5 on data processing of the General Business Regulations of OTP Bank Plc. (hereinafter: "General Data Protection Notice"), clarifying the terms and conditions of data processing during the provision of card acceptance services. This Privacy Notice shall be applied in conjunction with the General Data Protection Notice.

1. Name and Contact Details of the Controller

1.1 **Controller's name**: OTP Bank Plc. (hereinafter: "Controller")

Registered office: H-1051 Budapest, Nádor u. 16.

Mailing address: OTP Bank Plc., H-1876 Budapest

E-mail: informacio@otpbank.hu Phone number: (+36 1/20/30/70) 3 666 666

Website: www.otpbank.hu

1.2 **The details of the Data Protection Officer appointed by the Controller are as follows:**

Name: Zoárd Gázmár

Mailing address: H-1131 Budapest, Babér u. 9.

E-mail: adatvedelem@otpbank.hu

2. Client Data Processing

2.1 Categories of Clients

The Controller processes the personal data of the following natural persons (hereinafter: "Data Subject") in the course of providing the card acceptance service or in preparing to provide the service:

a) sole proprietor, sole proprietorship, organic farmer, private individual subject to VAT, individual lawyer, notary public, self-employed medical practitioner, company representative(s), company declarant(s), ultimate beneficial owner(s) of a company, authorised signatory(ies) on behalf of a company, authorised representative(s) of a company and their witnesses, company contact(s)

b) cardholder, customer, recipient of goods (in the case of card purchases related to Internet, telephone and mail orders (MOTO))

2.2 Categories of Data Processed

In addition to the categories of data set out in Section 2 of the General Data Protection Notice, the Controller processes the following categories of data about the Data Subjects in the course of providing card acceptance services or preparing the provision of the service:

a) personal identification data in the Beneficial Owner Declaration (surname and forename, family name and forename at birth, place and date of birth, mother's name, type and number of identification document, residential address or place of stay, address card number, nationality)

b) other requested data (issuing bank, card type, cardholder's name) not directly necessary for

the execution of the transaction in the case of online card payments,

c) other requested data (product data, product delivery data) not directly necessary for the Bank to execute the transaction in the case of telephone/mail orders (MOTO).

The exact categories of data processed in the course of the provision of the card acceptance service or in preparation for the provision of the service are listed below:

a) card acceptance merchant data: Merchant Application Form, Card Acceptance Contract, Point of Acceptance Data Sheet, Declaration on Data Processing, Declaration on the use of de minimis aid, Declaration on consolidated pricing, Beneficial Owner Declaration, Addendum to the Card Acceptance Contract, Power of Attorney

b) cardholder data: online payment gateway, Order Form attached to the telephone/mail (MOTO) contract supplement,

and other documents generated during the performance of the contract for the provision of the card acceptance service.

2.3 Purposes of Processing

In addition to the purposes set out in Section 3.1 of the General Data Protection Notice, the Controller processes the data specified in Section 2.2 for the following purposes, or in accordance with the following additions to the provisions set out therein:

Data requested during online card payment and telephone/mail orders (MOTO), which are not directly necessary for the transaction, are collected for fraud prevention, fraud detection and complaint management purposes. The legal basis of data processing is the legitimate interest of the Bank and the merchant accepting the card.

2.4 Legal Bases of Processing

The Controller processes the Client data in the course of providing the card acceptance service or in preparation for the provision of the service on the basis of the legal titles listed in Section 4.1 of the General Data Protection Notice. In connection with this processing, the Controller does not process data on the basis of the legal grounds set out in paragraphs d and e of Section 4.1 of the General Data Protection Notice.

The Controller processes the personal data specified in Section 2.2 primarily for the purpose of drafting or performing a Contract. In other cases, this Notice identifies the category(ies) of data processed on the basis of the relevant legal title.

2.4.1 Drafting and performing a contract for the provision of card acceptance services

The Controller processes the personal data provided in the forms entitled Merchant Application Form, Card Acceptance Contract, Point of Acceptance Data Sheet, Declaration on Data Processing, Declaration on the use of de minimis aid, Declaration on consolidated pricing, Beneficial Owner Declaration, Addendum to the Card Acceptance Contract, Power of Attorney for the purpose drafting and performing the Contract, including the enforcement of rights and claims arising from the Contract, and the presentation of legal claims.

The detailed terms and conditions for the provision of services under the Contract are set out in the General Terms and Conditions for POS Card Acceptance Contracts, vPOS, mPOS Card Acceptance Contracts and for Automated Card Acceptance Terminals (CAT) (hereinafter: “GTC”) and the documents referred to therein.

2.4.2 Mandatory data processing

In addition to the legal obligations set out in Section 7 of the General Data Protection Notice, the Controller processes the following personal data of the Data Subjects for the

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purposes of fulfilling the following legal obligations:

- Section 14(1) of Act LXXXV of 2009 on the Provision of Payment Services ("Payment Services Act"): The framework contract for payment services shall contain... d) the data or unique identifier required for the execution of the payment order.

2.4.3 Legitimate interest of the Controller

In addition to the legitimate interests set out in Section 8 of the General Data Protection Notice, the Controller also processes the personal data of the Data Subjects as defined in this Section on the basis of the following legitimate interests:

Data requested during online card payment and telephone/mail orders (MOTO), which are not directly necessary for the transaction, are collected for fraud prevention, fraud detection and complaint management purposes. The legal basis of data processing is the legitimate interest of the Bank and the merchant accepting the card.

2.4.4 Client consent

(a) The Bank does not collect and process such data in connection with the Card Acceptance Service.

3. Recipients of Personal Data

Except for public authorities, defined by the law, or the binding legal acts of the European Union, that demand personal data from OTP Bank Plc. for the purposes of their investigations of individual cases, the Controller shall forward the personal data of the Data Subjects to the following third parties/entities:

International card companies:

- Mastercard Europe S.P.R.L., Chaussée de Tervuren 198A B-1410, Waterloo, Belgium (independent controller)
- Visa Europe Limited, 1 Sheldon Square, London W2 6TT United Kingdom (independent controller)
- *JCB International (France) SAS, 10 Rue De La Paix, Paris 75002, France*
- *UNIONPAY International Co. Ltd, Floor 2-7 No. 6 Dongfang Road, Pudong New Area, 200135, Shanghai, China*

The Controller will use the following data processor in addition to the data processors specified in Annex 2 of the General Business Regulations:

Recovery Ing és Szolg. Zrt., CIB Rent Zrt. (CIB Bank)	H-1027 Budapest, Medve u. 4-14., Hungary	Acceptance of American Express cards at own terminal and transfer of transaction data to OTP Bank.
First Data	5565 Glenridge Connector NE, Suite 2000 Atlanta, GA 30342	Acceptance of American Express cards at own terminal and transfer of transaction data to OTP Bank.
K&H Payment Service Provider Ltd.	H-1095 Budapest, Lechner Ödön fasor 9., Hungary	Acceptance of American Express cards at own terminal and transfer of transaction data to OTP Bank.
SIX Payment Services (Europe) S.A.	Hardturmstrasse 201 8005 Zürich Switzerland	Acceptance of American Express cards at own terminal and transfer of transaction data to OTP Bank.

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Global Payments Europe s.r.o.	V Olsinacz 80/626, 100 00 Prague 10	Acceptance of American Express cards at own terminal and transfer of transaction data to OTP Bank.
Barion Payment Zrt.	H-1117 Budapest, Irinyi József utca 4-20. 2. emelet, Hungary	Provision of vPOS payment service
NEXI Central Europe, a. s. Hungarian Branch Office	H-1117 Budapest, Alíz u. 4., Hungary	Installation and servicing of POS terminals
Ingenico Hungary Ltd.	H-1134 Budapest, Váci út 19., Hungary	Installation and servicing of POS terminals
Cardnet Plc.	H-1135 Budapest, Reitter Ferenc utca 46-48., Hungary	Installation and servicing of POS terminals
CMO24 Hungary Plc.	6000 Kecskemét, Akadémia körút 2., Hungary	Installation and servicing of POS terminals
Festipay Plc..	*H-1135 Budapest, Reitter Ferenc utca 46-48., Hungary*	*Installation and servicing of POS terminals*
HelloPay Plc.	H-1037 Budapest, Montevideo utca 10., Hungary	Installation and servicing of POS terminals, payment facilitator
Racionál Ltd.	*H-1021 Budapest, Kuruclesi út 35/C*	Installation and servicing of POS terminals
USys Bt.	H-7130 Tolna, Szedresi út 35., Hungary	Installation and servicing of POS terminals
Monera Magyarország Ltd.	H-1025 Budapest, Zöldkő utca 56., Hungary	Installation and servicing of POS terminals
MONET+ a.s.	Za Dvorem 505, 763 14 Zlín-Štípa	Installation and servicing of POS terminals
Diebold Nixdorf Ltd.	H-2220 Vecsés, Lőrinci út 59., Hungary	Installation and servicing of POS terminals

Budapest, *02 April 2024*

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Privacy notice

On the transfer and processing of personal data in joint controllership

Effective: 2 April 2024

OTP Bank Plc. *(registered office: H-1051 Budapest, Nádor utca 16.; registered by the Company Registry Court of Budapest-Capital Regional Court under company registration number Cg. 01-10-041585) as* ***Controller1*** *and the*

OTP Mobil Kft. *(registered office: H-1138 Budapest, Váci út 135-139., Building B, 5th floor; registered by the Company Registry Court of Budapest-Capital Regional Court under company registration number Cg. 01-09-174466) as* ***Controller2***

collectively: the ***Controllers*** *as joint controllers, on the basis of a joint data processing agreement concluded between them, jointly inform the data subjects in this privacy notice of the data transfers between them concerning the Merchants' contact details.*

The Controllers have entered into a joint data processing contract (hereinafter: "Contract") with each other pursuant to Article 26 of the GDPR and the joint data processing provision pursuant to Section 164(1)–(7) of Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises (hereinafter: "Credit Institutions Act").

The Controllers have agreed in the Contract to provide each other with personal data that are also bank secrets pursuant to Section 164/B of the Credit Institutions Act.

The Controllers are considered to be joint controllers in respect of personal data transferred to each other under the Contract, the main provisions of which are as follows:

a) Each Controller shall keep records of the processing activities carried out under its responsibility under the Contract in accordance with Article 30 of the GDPR.

b) The documentation relating to the data protection activities covered by the Contract will be managed and stored by Controller2 on the basis of their decision.

c) Controller2 shall keep and store the data subjects' declarations of restriction or prohibition of data transfers pursuant to Article 164/B (4) and (7) of the Credit Institutions Act against the data transfers specified in the Contract.

d) The data transfers and joint processing under the Contract shall be carried out by the Controllers based on the legal basis of legitimate interest pursuant to Article 6(1)(f) of the GDPR. For joint processing, the interest balancing test is prepared and kept by Controller2.

e) The written contract with the processor shall be concluded by Controller2 on the basis of the authorisation of Controller1.

f) This privacy notice is published on the website of Controller1 and Controller2 (www.otpbank.hu and www.simplepay.hu).

g) In accordance with Article 26 of the GDPR, the data subject may exercise his or her rights in relation to and against each of the Controllers.

h) Controller2 responds to requests from the data subject.

i) Requests from public authorities are answered by Controller2.

In the case of processing based on legitimate interest, the data subject may object to the processing at any time, in which case the Controllers will no longer process their data.

The Controllers shall carry out the following data transfers and processing under the Contract:

Data Subjects	***Type of data managed***	***Purpose of data processing***	***Legal basis for processing***
Merchant's contact person	*Name, telephone number, e-mail address, position*	*Data transfer for contacting, contracting purposes*	*Article 6(1)(f) of the GDPR: legitimate interest*

Indication of legitimate interest under Article 6(1)(f) of the GDPR:

It is in the legitimate economic interest of Controller1, Controller2 and the Merchant that the personal data of the Merchant's contact person relating to the contact of the natural person are transmitted by Controller1 to Controller2 in order for Controller2 to contact the Merchant or its contact person in connection with the conclusion of a contract pursuant to Section 164/B of the Credit Institutions Act and to conclude a contract with the Merchant. The data transfer also benefits the legitimate economic interest of the Merchant, as the range of services provided by Controller2 is wider than the services provided by Controller1, the Merchant can benefit from more convenience services, in a more flexible and overall more cost-effective way.

The transfer of data is also in the legitimate economic interest of Controller2, since by transferring data, Controller2 can increase its revenues by contracting with Merchants with whom it did not have a contract before.

The transfer of data is also in the legitimate economic interest of Controller1, as the transfer of data allows Controller2 to enter into a contract with the Merchant, as a result of which the OTP Group can provide the Merchant with more convenience and other services, which increases the Merchants' commitment and satisfaction with the OTP Group, which indirectly provides an economic benefit to Controller1.

Duration of data processing:

If the data are included in the documents required to fulfil tax obligation, they are stored and kept for 5 years from the last day of the calendar year in which the tax should have been declared, reported or notified, or in the absence of a declaration, report or notification, the tax should have been paid.

If the data are included in the contract with the contracted merchant, the data will be retained and stored for 8 years from the termination of the contract to fulfil the accounting obligation.

In other cases, the data must be kept for 5 years after the termination of the contract with the merchant (general civil law limitation period).

Data processors

For the processing and storage of contact and representative data, we use various companies with whom we have concluded a data processing contract. The following processors process personal data:

Name of data processor	***Data processing activities***	***Information on data transfers abroad***
Salesforce.com, Inc. *(Salesforce Tower, 415 Mission St., San Francisco, California 94105)*	*Providing Salesforce CRM (customer relationship management) system services, storing customer data.*	*Data is transferred to the USA.* *Basis for data transmission: EU-US Privacy Framework Compliance Decision adopted by the European Commission on 10 July 2023 under the GDPR.*

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Data Protection Officer of the Controllers

Data Protection Officers	***Controller1***	***Controller2***
Name of Data Protection Officer	***Zoárd Gázmár***	***Zsombor Sári***
Contact	*adatvedelem@otpbank.hu*	*dpo@otpmobil.com*

Rights of data subjects

The data subjects' data protection rights and legal remedies are set out in detail in the relevant provisions of the GDPR (in particular Articles 15, 16, 17, 18, 19, 20, 21, 22, 77, 78, 79, 80 and 82 of the GDPR). The following summary sets out the most important provisions and the Controller provides information to data subjects on their rights and legal remedies in relation to data processing.

The information must be provided in writing or by other means, including electronic means where appropriate. At the request of the data subject, oral information may be provided, given that the identity of the data subject has been verified by other means.

The Controller shall inform the data subject of the measures taken in response to his or her request without undue delay and in any event within one month of receipt of the data subject's request to exercise his or her rights (see Articles 15 to 22 of the GDPR). This deadline may be extended by a further two months if necessary, taking into account the complexity of the application and the number of requests. The Controller shall inform the data subject of the extension of the deadline within one month of receipt of the request, stating the reasons for the delay. If the data subject has made the request by electronic means, the information shall be provided by electronic means where possible, unless the data subject requests otherwise.

If the Controller does not take action on the data subject's request, the controller shall inform the data subject without delay or at the latest within one month of receiving the request of the reasons for the failure to act and of the possibility for the data subject to lodge a complaint with a supervisory authority and to exercise his or her right of judicial remedy.

Data subject's right of access

(1) The data subject has the right to receive feedback from the Controller on whether his or her personal data are being processed. If such processing is ongoing, the data subject has the right to access the personal data and the following information:

a) the purposes of the processing;

b) the categories of personal data concerned;

c) the recipients or categories of recipients to whom the personal data have been or will be disclosed by the Controller, including in particular recipients in third countries or international organisations;

d) where applicable, the envisaged period of storage of the personal data or, if this is not possible, the criteria for determining that period;

e) the data subject's right to request the Employer to rectify, erase or restrict the processing of personal data concerning him or her and to object to the processing of such personal data;

f) the right to lodge a complaint with a supervisory authority; and

g) if the data were not collected from the data subject, any available information on their source;

h) the existence of automated decision-making (Article 22(1) and (4) of the GDPR), including profiling, and, at least in these cases, clear information on the logic used and the significance of such processing and its likely consequences for the data subject.

(2) If personal data are transferred to a third country, the data subject is entitled to be informed of the appropriate safeguards regarding the transfer.

(3) The Controller shall provide the data subject with a copy of the personal data processed. For additional copies requested by the data subject, the Controller may charge a reasonable fee based on administrative costs. Where the data subject has made the request by electronic means, the information shall be provided in a commonly used electronic format, unless the data subject requests otherwise.

Right to rectification

The data subject shall have the right to have inaccurate personal data relating to him or her rectified by the Controller at the data subject's request, without undue delay. The data subject also has the right to request that incomplete personal data be completed, including by means of a supplementary declaration.

Right to erasure ("right to be forgotten")

(1) The data subject shall have the right to have personal data relating to him or her erased by the Controller upon his or her request, without undue delay where one of the following grounds applies:

a) the personal data are no longer necessary for the purposes for which they were collected or otherwise processed by the Controller;

b) the data subject withdraws the consent on which the processing is based and there is no other legal basis for the processing;

c) the data subject objects to the processing and there are no overriding legitimate grounds for the processing;

d) the personal data have been unlawfully processed;

e) the personal data must be erased in order for the Controller to comply with legal obligation under applicable European Union or Member State law; or

f) personal data are collected in connection with the provision of information society services.

(2) If the Controller has disclosed the personal data and is required to delete it as described above, it will take reasonable steps, including technical measures, taking into account the available technology and the cost of implementation, to inform the controllers that process the data that the data subject has requested the erasure of the links to or copies of the personal data in question.

(3) Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:

a) for the exercise of the right to freedom of expression and information;

b) for the purposes of complying with an obligation under applicable European Union or Member State law that requires the Controller to process personal data;

c) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, where the right referred to in paragraph 1 would be likely to make such processing impossible or seriously impair it; or

d) *for the establishment, exercise or defence of legal claims.*

Right to restriction of processing

(1) The data subject shall have the right to obtain, at his or her request, the restriction of processing by the Controller if one of the following conditions is met:

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a) *the data subject contests the accuracy of the personal data, in which case the restriction applies for the period of time necessary to allow the Controller to verify the accuracy of the personal data;*

b) *the data processing is unlawful and the data subject opposes the erasure of the data and requests instead the restriction of their use;*

c) *the Controller no longer needs the personal data for the purposes of processing, but the data subject requires them for the establishment, exercise or defence of legal claims; or*

d) *the data subject has objected to the processing; in this case, the restriction shall apply for the period until it is established whether the legitimate grounds of the Controller override the legitimate grounds of the data subject.*

(2) *Where processing is restricted pursuant to paragraph 1, such personal data may be processed, except for storage, only with the consent of the data subject or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or of an important public interest of the European Union or of a Member State.*

(3) *The Controller shall inform in advance the data subject – at whose request the processing has been restricted on the basis of the above – about the lifting of the restriction.*

Notification obligation relating to the rectification or erasure of personal data or restriction of processing

The Controller shall inform each recipient to whom or with which it has disclosed the personal data of any rectification, erasure or restriction of processing, unless this proves impossible or involves a disproportionate effort. The Controller shall inform the data subject of these recipients upon request.

Right to data portability

(1) *The data subject shall have the right to receive the personal data concerning him or her which he or she has provided to the Controller in a structured, commonly used, machine-readable format and the data subject is entitled to transmit such data to another controller without hindrance from the Controller, if:*

a) *the processing is based on consent or on a contract; and*

b) *the processing is carried out by automated means.*

(2) *In exercising the right to data portability under paragraph 1, the data subject shall have the right to request, where technically feasible, the direct transfer of personal data between controllers (such as the Controller and other controllers).*

(3) *The exercise of the right described above must be without prejudice to the provisions on the right to erasure ("right to be forgotten") and must not adversely affect the rights and freedoms of others.*

Right to object

(1) *The data subject has the right to object at any time, on grounds relating to his or her particular situation, to the processing of his or her personal data on the basis of legitimate interest. In this case, the Controller shall no longer process the personal data, unless it can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or which are related to the establishment, exercise or defence of legal claims.*

(2) *Where personal data are processed for scientific and historical research purposes or statistical purposes, the data subject shall have the right to object – on grounds relating to his or her particular situation – to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.*

Right to lodge a complaint with a supervisory authority

The data subject has the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her place of residence, place of work or place of the alleged infringement, if the data subject considers that the processing of personal data relating to him or her infringes the provisions of the GDPR. The competent supervisory authority in Hungary: National Authority for Data Protection and Freedom of Information (website: http://naih.hu/; address: H-1055 Budapest, Falk Miksa u. 9-11; postal address: H-1363 Budapest, Pf.: 9.; telephone: +36-1-391-1400; fax: +36-1-391-1410; e-mail: ugyfelszolgalat@naih.hu).

Right to an effective judicial remedy against the supervisory authority

(1) The data subject has the right to an effective judicial remedy against a legally binding decision of the supervisory authority concerning him or her.

(2) The data subject has the right to an effective judicial remedy if the competent supervisory authority fails to deal with the complaint or does not inform the data subject within three months of the progress or outcome of the complaint.

(3) Proceedings against the supervisory authority shall be brought before the courts of the Member State in which the supervisory authority is established.

Right to an effective judicial remedy against the Controller or the processor

(1) Without prejudice to the administrative or non-judicial remedies available, including the right to lodge a complaint with a supervisory authority, the data subject has the right to an effective judicial remedy if he or she considers that his or her rights under the GDPR have been infringed as a result of the processing of his or her personal data in a way that does not comply with the GDPR.

(2) Proceedings against the Controller or processor shall be brought before the courts of the Member State in which the Controller or processor is established. Such proceedings can also be brought in the courts of the Member State of habitual residence. In Hungary, such a lawsuit falls within the jurisdiction of the regional court. The data subject may also bring the case before the competent regional court of his or her place of domicile or place of residence, depending on his or her choice. For information on the jurisdiction and contact details of the court, please visit: www.birosag.hu.