**Data Protection Information Note**

Dear Madam/Dear Sir,

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Acting as \_\_\_\_\_\_\_\_\_\_\_\_\_ [relatie\_tip] for Bank Leumi Romania SA client \_\_\_\_\_\_\_\_\_\_\_\_\_\_[client\_nume]

Having in view the acquisition of Bank Leumi Romania S.A. (“Bank Leumi Romania”) by First Bank S.A. (“First Bank”), following approval of takeover by the National Bank of Romania, please be advised that that, by 01.05.2020, the business integration process will be completed, and Bank Leumi Romania customer data will migrate to First Bank’s IT systems.

For the purposes of the business integration process, as well as for the purposes of providing high quality banking products and services similar to those currently provided, **we hereby advise you that your personal data will be also processed by First Bank S.A., as data controller**, in the manner described below.

**First Bank S.A.**, a Romanian legal entity, having its registered office in Bucharest, 29-31 Sos. Nicolae Titulescu, district 1, Tax Identification Number 7025592, Trade Register Office no. J40/1441/27.02.1995 and Credit Institutions Register no. RB-PJR-40-026/18.02.1999, as data controller, will process your personal data in good faith, in accordance with the provisions laid down in (EU) Regulation no. 679 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 (“General Data Protection Regulation”), and in Law no. 190/2018 on measures implementing the General Data Protection Regulation and the legal regulations in force, for the purposes detailed below.

Your personal data will be processed for the purposes below, in your position as representative of an individual customer/co-borrower acting in concert with an individual customer/guarantor of an individual customer/secondary user of an Internet banking account assigned to an individual customer/user of an additional debit card associated with the bank account of an individual or legal entity customer. You, as an individual whose personal data is be subject to processing, will be also referred to in what follows as “the data subject”.

**1. Personal data**

The personal data provided to First Bank, which will be subject to processing by First Bank, may vary according to the products and/or services requested or received, your use of such products and services and/or the communication channels employed.

Thus, the personal data which may be subject to processing may be the following, as appropriate:

▪ surname and first name, customer number, National Identification Number (NIN);

▪ copy of ID document/passport/civil status documents and any related data;

▪ nationality, citizenship and residence (including tax residence);

▪ address (permanent/residence/correspondence);

▪ date and place of birth, sex, family members, mother’s maiden name);

▪ contact data (landline number/mobile number, fax number, e-mail);

▪ data concerning the person/account for whom/which you act as representative, co-borrower, guarantor, secondary Internet banking user or secondary debit card user;

▪ education, professional status, occupation, position, workplace, employment contract type (temporary/permanent), date of last employment, length of employment/seniority, as appropriate;

▪ banking data, including information on the financial and banking products/services received and bank transactions, as appropriate;

▪ sources and nature of income, housing status and (real and personal) property owned, as appropriate;

▪ financial soundness/liquidity status, current and future insurance policies and coverage, taxes and levies, number of dependants, as appropriate;

▪ specific data related to the use of certain banking products and/or services, as detailed in the relevant agreements concluded with Bank Leumi Romania and First Bank, considering the aforementioned acquisition (for instance, card number and other related data, Internet Banking username, token series and number, password for phone banking, IP address, as appropriate);

▪ customer group affiliation, equity interests in other companies, as well as any other current or future data arising from your agreements with us, as appropriate;

▪ politically exposed status and public office, if any;

▪ sanctions, if any;

▪ signature;

▪ voice;

▪ facial images recorded during your visits to First Bank/Bank Leumi Romania.

**2. Legal grounds and purposes of personal data processing**

Your personal data will be processed by First Bank for the purposes of the following legitimate interests as shareholder of Bank Leumi Romania, as per art. 6(1)(f) of the General Data Protection Regulation (GDPR), as well as for the completion of the acquisition process and the provision to you, as Bank Leumi Romania and subsequently, First Bank customer, of bank products and services in due time, as of the acquisition date (01.05.2020):

a. assessing the business relationship between you and Bank Leumi Romania, including your eligibility for the products and services of Bank Leumi Romania;

b. performing risk management reviews for the purposes of compliance with financial and banking regulations/consolidated reporting requirements, planning strategic development, carrying out portfolio projections, budgeting, determining cost items associated with the Bank’s products/services;

c. assessing due diligence processes, risk reviews, and suspicious transaction reporting, in accordance with the anti-money laundering and terrorist financing legal provisions in force;

d. assessing reporting activities in connection with competent public institutions such as ANAF (National Agency for Fiscal Administration), BNR (National Bank of Romania), ONPCSB (National Office for the Prevention and Control of Money Laundering), ANABI (National Agency for the Management of Seized Assets);

e. assessing the receivables collection (outstanding debts collection) process during the term of the agreement executed with the Bank Leumi Romania, as appropriate;

f. assessing the reporting process (including risk reporting) within the Bank Leumi Romania and/or First Bank, within First Bank Group, to the NBR and the independent financial auditor of First Bank or Bank Leumi Romania, including reporting to the Romanian Bank Deposit Guarantee Fund, including data concerning individuals, business activities or relationships with other individuals within the same customer Group which constitute or may constitute a single risk exposure as well as transactions to the account(s) opened with Bank Leumi Romania/First Bank;

g. assessing FATCA reporting for US citizens and CRS (Common Reporting Standard) reporting for the prevention of tax evasion under the applicable laws;

h. monitoring customer satisfaction as well as the quality of the products and services offered;

i. performing internal reviews (including statistical analyses)/market surveys concerning products/services and the customer portfolio, customer profiling/segmentation/classification for the adequate provision of the most suitable products/services;

j. reviewing and responding to complaints/petitions received;

k. reporting to the shareholders of First Bank/Bank Leumi Romania;

l. monitoring transactions to prevent fraud and investigate potential fraudulent ATM withdrawals;

m. internal reporting to the Bank’s management bodies for the purposes of implementing prudential measures for the prevention of operational risk, including fraud and the handling of chargebacks;

n. establishing and handling the archive, recording customer interactions through official communication channels, for the purpose of providing evidence of request/consent/option in connection with certain bank products and services, as appropriate;

o. concluding and handling receivables financing or assignment agreements as well as receivables collection agreements;

p. providing for a high level of security within IT systems and physical locations (e.g.: territorial units, regional/business centers, head office), as well as video surveillance during visits to the premises of the data controllers;

r. acknowledging or defending certain rights before courts of law or requesting the services of an enforcement agent, as appropriate, in accordance with the legal provisions in force;

s. for statistical purposes.

Your personal data will be processed by First Bank in order to take all the actions required for the assessment of the bank products and services you may continue to receive and to prepare all the contractual documents required, including the issuance and delivery of bank cards, so that you may be able to use our products and services without delay, following the acquisition of Bank Leumi Romania by First Bank.

Thus, First Bank will process, as appropriate, your personal data as per art. 6(1)(b) GDPR, in order to perform other operations required for the conclusion and performance of the agreements where you act as a part, such as:

a. providing products and/or services pursuant to the agreements where you act as a party, updating the relevant contractual provisions with the bank products and services available following completion of the business integration process and subsequently taking the actions required to execute instructions sent by you/the relevant borrower in connection with your accounts or main cards (e.g. the processing of collections/payments/other operations, taking into account the specific transaction channel involved – bank counters, internet/mobile banking, telephone, ATM/MFM);

b. providing bank and financial services, including foreign currency exchange, card transactions, specific treasury/capital market/mutual fund/custody services/products, letters of credit, documentary collections, etc.);

c. determining the risk taken by the Bank in the event of financing/concluding potential deeds in lieu of foreclosure;

d. monitoring performance of contractual obligations, notifying you of your agreements with us, implementing measures in the event of default on your part;

e. amending your agreements, at your request, if appropriate;

f. reporting and sending the necessary information/documents to the relevant guarantee funds (e.g. FNGCIMM (National Credit Guarantee Fund for SMEs) and FNGDB (Romanian Bank Deposit Guarantee Fund);

g. providing for the conclusion, monitoring and subsequent handling of insurance contracts, as appropriate;

h. issuing the financial and banking instruments (e.g. cards) required for the carrying out of banking operations.

It should also be noted that your personal data will be processed by First Bank for the purposes of the following legitimate interests as per art. 6(1)(c) GDPR, including:

a. implementing measures concerning due diligence, risk reporting, reporting to certain state authorities and international reporting (e.g. FATCA for US citizens);

b. implementing anti-money laundering and terrorist financing measures;

c. implementing measures to prevent and review potential fraud;

d. internal registry handling;

e. internal and external auditing;

f. document archiving;

g. implementing measures for compliance with the prudential requirements applicable to credit institutions, in connection with the services provided to you, including the screening and reporting requirements enforced by the legal provisions in force.

Considering that First Bank is required to ensure adequate security measures, your personal data will be also processed in the context of implementing IT security measures and database maintenance processes at national and EU level, including, as appropriate, the testing, design, development and rollout of existing or new IT systems, as well as for the purposes of the IT services required to carry out financial and banking operations.

**3. Duration of personal data processing**

Personal data processing (including storing) for the purposes above will be carried out by First Bank as long as required for the same purposes for which it was collected, subject to the applicable legal provisions in force, namely until acquisition date and thereafter, subject to the applicable legal provisions in force.

Thus, given your business relationship with Bank Leumi Romania and First Bank respectively, your data will be stored for a period of minimum 5 years following termination of your business relationship. Also, in accordance with the applicable accounting provisions, your data in our accounting records will be stored for a period of 10 years following the closing of the financial year of your last accounting record concerning your products/services with Bank Leumi Romania/First Bank or as long as otherwise legally required, as appropriate.

Video surveillance footage inside the premises of the data controllers will be retained for a period of no more than 30 days or as long as legal grounds for processing subsist.

**4. Data recipients/Transmission of data for the legal purposes of First Bank**

**4.1** Your personal data may be transmitted by First Bank to the following recipients:

**a.** data subjects, the representatives thereof, main card holders, as appropriate, the representatives of First Bank, other companies in the First Bank group, contractors (such as debt/receivables collection agents and field agents, couriers, notaries, attorneys. consultants, accountants, certified appraisers, financial controllers and auditors, IT service providers, physical and/or electronic archiving service providers or other service providers subject to data privacy obligations);

**b.** insuranceand reinsurance undertakings, interbank payment processing service providers, payment instrument manufacturing and personalization service providers, technical payment facilitation service providers (e.g. Visa and Mastercard, Transfond);

**c.** market research service providers and marketing communication providers;

**d.** entities with receivables financing or assignment agreements concluded with the Bank;

**e.** courts of law, central and local public authorities, enforcement agents;

f. banking institutions or competent state authorities, according to the applicable legal provisions, including without limitation: the National Bank of Romania, ANAF (National Agency for Fiscal Administration), ONPCSB (National Office for the Prevention and Control of Money Laundering), ANPC (National Consumer Protection Authority), ANSPDCP (National Supervisory Authority for Personal Data Processing), FNGDB (Romanian Bank Deposit Guarantee Fund), etc.

The recipients above may act as independent data controllers, joint controllers, data processors, and third parties, taking into account their relationships with the Bank and the relevant data processing operations.

The personal data provided may be transferred to entities in the European Union/EEA. When personal data are transmitted to third parties or international organizations outside EU/EEA, the provisions in the “Cross-Border Transfers” section below will apply. When personal data are transferred to other third parties or international organizations outside EU/EEA, the guarantees referred to in art. 44-49 of the General Data Protection Regulation will also apply.

Please also be advised that First Bank and Bank Leumi Romania both act as joint controllers in relation to the processing of your personal data for the purposes of the acquisition process, while also providing for the exercise of your data protection rights pursuant to section 7 below.

**4.2** **The** **Credit Bureau**

When you are a co-borrower, the Credit Bureau acts as joint controller in relation to the personal data processing which takes place in its own database. Biroul de Credit SA is a private law entity which handles the Credit Bureau System, where the personal data concerning the lending operations of System Participants is processed. The Credit Bureau System Participants are credit institutions, non-bank financial institutions, insurance undertakings and receivables collection agents which entered into a System Participant Agreement with the Credit Bureau.

The purpose and legal grounds for data processing - First Bank and the Credit Bureau will process your personal data for the legitimate interests of the participants and the Bureau, as per art. 6(1)(f) GDPR, namely for the provision of responsible lending, while also protecting and facilitating access to loans and the prevention of excessive indebtedness for data subjects, ensuring compliance with the legal framework applicable to credit standing review and credit risk mitigation, as well as preventing the use of the financial and banking system for illegal purposes. According to the legal provisions in force, First Bank must assess the repayment capacity of borrowers before concluding loan agreements and during performance thereof. To this end, First Bank will process your data maintained in its records and will send the same to the Credit Bureau for processing and further review by System Participants, in order to establish or maintain lending relationships as well as for the provisions of loan products.

The following categories of personal data will be processed by the Credit Bureau system:

a) identification data: surname, first name, national identification number, permanent/residence address, telephone number, date of birth, passport series and number for non-residents;

b) data concerning your relationship with the borrower in your capacity as co-borrower: information concerning the borrower and the relevant loans thereof;

c) data concerning the loan products requested/granted to the borrower: Participant type and name, product type, product/account status, commencement date, agreement term, loan amounts, reimbursement amounts, updates, currencies, payment frequency, amounts paid, instalments, overdues, number of default days, date of first default, category of default, date of last payment;

d) number of queries: the number of Credit Reports issued by the Credit Bureau, at the request of one or more Participants.

First Bank will provide the Credit Bureau with the personal data referred to in paragraphs a) to d) above. The said data is collected from all the Participants to the Credit Bureau and will be used for the purposes above.

When, during the term of the loan, borrowers are more than 30 days in default, First Bank will provide the Credit Bureau with information concerning amounts overdue, the category of default, the date of first default and/or the conclusion of a deed in lieu of foreclosure, subject to a minimum 15-day prior notice sent to the borrower in writing, by telephone, SMS message, e-mail or other means of electronic communication.

the Credit Bureau FICO® Score – The personal data above may be also processed by the Credit Bureau in order to determine the Credit Bureau FICO® Score, at the request of the Participants. First Bank uses the Credit Bureau FICO® Score in order to mitigate the credit risk associated with a borrower/potential borrower. The Credit Bureau FICO® Score is a number between 300 and 850 determined on the basis of a statistical process involving the processing of information recorded by Participants in the Credit Bureau System, which shows the likelihood of the data subject repaying its loans in due time. The main reasons for a lower Credit Bureau FICO® Score are shown as reason codes. The Credit Bureau FICO® Score considers the following predictability items: repayment track record, current overdue payments, the account/loan term (average number of months from commencement), new loan applications (number of queries and loans granted in the last 6 months), the loan mix (types of loan granted), the data subject age. The impact of the aforementioned items on the Credit Bureau FICO® Score may vary considering the data retained by the Credit Bureau for each data subject.

The Credit Bureau FICO® Score is an assessment tool providing a high level of predictability which supports the accurate assessment of the data subject’s credit standing for the conclusion/performance of loan agreements, together with Credit Report data and information derived by Participants from other sources.

Data recipients – The personal data entered in the Credit Bureau System will be disclosed to System Participants upon request, for the above mentioned purposes.

Data retention – Personal data will be retained by the Credit Bureau and disclosed to Participants for a period of 4 years from the last update, except when you act as co-borrower for loan applicants who have withdrawn their loan applications or whose loan applications have been rejected, when data is retained and disclosed to the Participants for a period of 6 months.

Automatic decision-making process – The FICO® Score and the information provided by the Credit Bureau are used by First Bank to determine the risk associated with the potential granting of the loan, with the process also involving other decision-making factors.

Data subject rights – You may exercise your rights concerning the processing of your personal data by the Credit Bureau by contacting First Bank at the address shown below as well as by contacting the Credit Bureau at the following address: Bucuresti, str. Sfanta Vineri, nr. 29, etaj 4, sector 3 or by accessing the website: <https://www.birouldecredit.ro>. You may contact the Credit Bureau Data Protection Officer at the e-mail address [rpd@birouldecredit.ro](mailto:rpd@birouldecredit.ro).

**5. Cross-Border Transfers**

For the purposes above, First Bank may transfer certain categories of personal data outside Romania, to EU/EEA countries, as well as outside the EU/EEA, particularly to the United States of America, taking into account your US-citizen status or the US status of First Bank’s shareholder, JC Flowers.

First Bank will transfer personal data outside the EU/EEA on the basis of the standard contractual clauses adopted by the European Commission or other guarantees recognized by law.

Data transfers to the US are subject to Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield. All data transfers to the USA will observe the principle of data minimization.

If you are a citizen of the United States of America (USA) or a US resident, you will be subject to the US tax provisions according to FATCA (The US Foreign Account Tax Compliance Act), and your data will be sent to the US tax authorities.

Data will be transferred to SWIFT (Society for Worldwide Interbank Financial Telecommunication) as data controller, when payments are processed via SWIFT. In this case, the data transferred to SWIFT as data controller may be available to the US Treasury Department.

**6. The necessity to process personal data**

Your personal data will be processed for the purposes of the reviews and activities conducted by First Bank, the consolidated reports and reviews provided for in the applicable financial and banking regulations concerning customer due diligence, prudential requirements, business relationship management and the ongoing improvement of banking products and services by way of more effective workflows, including the structuring of the business carried out by the two banks and the acquisition process, as well as for the purposes of providing you with the adequate bank products and services as of acquisition date, without undue delay.

If you object to the processing of your personal data for the purposes of the legitimate interests pursued by the data controller(s), we will review your particular situation and will provide you with a response under the General Data Protection Regulation.

**7. The rights of the data subject**

As data subject, you have the rights referred to in art. 13 to 22 of the General Data Protection Regulation, namely:

a. The right to information: the right to the information referred to in art. 13 GDPR, including the identity and the contact details of the controller and, where applicable, of the controller's representative, the purposes of the processing, the recipients or categories of recipients of the personal data, the existence of data subject rights, and the conditions for the exercise of such rights;

b. The right of access: the right to obtain from the controller confirmation as to whether or not your personal data are being processed, as well as a copy of such data;

c. The right to rectification: the right to obtain the rectification of your inaccurate personal data and the right to have incomplete personal data completed;

d. The right to erasure (“the right to be forgotten”): the right to obtain erasure of your personal data, provided that the legal requirements set out in art. 17 GDPR are met;

e. The right to restriction of processing: the right to obtain restriction of further processing of your personal data, provided that the legal requirements set out in art. 18 GDPR are met;

f. The right to data portability: the right to receive your personal data in a structured, commonly used and machine-readable format and the right to transmit those data to another controller, provided that the legal requirements set out in art. 20 GDPR are met;

g. The right to object: the right to object at any time, on justified and legitimate grounds relating to your particular situation, to the processing of your personal data on legitimate grounds or for reasons of public interest, provided that the legal requirements set out in art. 21 GDPR are met;

h. The right not to be subject to a decision based solely on automated processing, including profiling: the right to request and obtain withdrawal, cancellation or reassessment of any decision based solely on automated processing (including profiling) which produces legal effects concerning you or similarly significantly affects you;

i. The right to withdraw your consent at any time, with no impact on the legality of data processing prior to such withdrawal, to the extent that data processing is based on your consent under art. 7(3) GDPR;

j. The right to bring action in court or file a request with the National Supervisory Authority for Personal Data Processing (ANSPDCP) in order to defend you against violation of your rights under personal data protection laws.

To exercise the rights above, you may file a dated and signed request in writing at the addresses below:

* Bank Leumi Romania, Bdul. Aviatorilor nr. 45, sector 1, Bucuresti or e-mail address [info-leumi@firstbank.ro](mailto:info-leumi@firstbank.ro); or
* First Bank, Sos. Nicolae Titulescu nr. 29-31, sector 1, Bucuresti or e-mail address [info-leumi@firstbank.ro](mailto:info-leumi@firstbank.ro).

The **contact data of our Data Protection Officers** are the following:

* Bank Leumi Romania, postal address Bdul. Aviatorilor nr. 45, sector 1, Bucuresti and e-mail address dpo@leumi.ro.
* First Bank, postal address Sos. Nicolae Titulescu nr. 29-31, sector 1, Bucuresti and e-mail address dpo@firstbank.ro.

You may exercise your rights concerning the processing of your personal data by the Credit Bureau, you may contact the aforementioned institution at the address specified in paragraph 4.2 above.

**After completion of the acquisition process, you may exercise your rights as specified above, using only the contact data of First Bank as data controller.**

If you send a request in connection with the exercise of your data protection rights, you will receive a response within no more than one month, according to the General Data Protection Regulation.

If you wish to send a request in connection with the exercise of your data protection rights associated with the processing of data by the Credit Bureau, please consider the contact data specified in section 4 above.

Be advised that the Personal Data Processing Information Note of Bank Leumi Romania is also available online, on the website https://www.leumi.ro, the Data protection section. The Personal Data Processing Information Note issued by First Bank may be accessed on the bank’s website at [www.firstbank.ro](http://www.firstbank.ro), the Data protection section.

Please do not hesitate to ask for any further information.

Respectfully,

Bank Leumi Romania SA

Business Development Division

Giorgiana Damian Alina Cojocaru

Manager Collective Coordinator