

## **INFORMATION REPORT AND CONSENT TO THE PROCESSING OF PERSONAL DATA PURSUANT TO THE EU REGULATION 679/2016 ON PERSONAL DATA PROTECTION**

Dear Sirs,

pursuant to articles 13 and 14 of the EU Regulation no. 679/2016 on personal data protection (hereunder referred to as the GDPR), MPS Capital Services Banca per le Imprese S.p.A. (hereunder referred to as the Bank), as the Data Controller, hereby issues this information report on the personal data related to the Company.

### **1. Legal framework regarding legal persons**

Current regulation on personal data protection includes, in the “data subject” concept, information regarding an identified or identifiable natural person; therefore, all rights and obligations resulting from said regulation do not apply to legal persons, to entities and to associations. Some provisions regarding automated call or call communication systems without agent and e-communications (such as e-mail, telefax, SMS, MMS, or other ones) to carry out promotional activities or market surveys are an exception to general rules: if said systems are used to implement marketing activities the consent of the parties to a contract of e-communication supply is required (said parties are referred to as “contractors”, a concept also including legal persons, entities or associations).

### **2. Personal data sources**

Personal data (such as name, registered/administrative office, VAT Code, phone or mobile phone numbers, e-mail address, etc.) are directly obtained by the Bank from the legal representative of the Company or from third parties, e.g., when the Bank plans to carry out marketing activities obtaining data from external sources.

### **3. Purposes of the data processing**

Company data are processed for collateral purposes of the Bank for which previous consent is required: if automated contact systems are used, free and informed consent is the legal basis legitimizing their processing. For this purposes, the provision of data is not compulsory and any refusal does not jeopardise, in any way, starting, implementation and management of the contractual relations with the Bank. If specific consents for this purpose are freely given, which can however be modified in any time, the Bank will be able to propose you following activities:

- Carrying out market researches and statistical studies, surveying customer satisfaction as to quality of the services offered and to the activity carried out by the Bank as well as on products and services of third parties; the survey is directly implemented either through specialized companies via personal or phone interviews, or sending questionnaires, as well as surveys aimed at analysing the reason of an early termination, if any, after the closing of said accounts;
- Sending of newsletters, invitations to events organized by the Bank, marketing events, such as contests, promoting or selling products or services of the Bank and of third companies both by mail or call agents and by automated systems such as automated calls, interactive voice response systems, e-mail, telefax, SMS, MMS, social media and other message and communication services, reserved web area, your app.

With reference to the above-mentioned purposes your data will be processed in the same way for six months after the date of the Company’s closing its accounts with the Bank.

### **4. Data Processing Modalities**

In relation to the above-mentioned purposes, personal data are processed through manual, IT and telematics means according to rationales closely related to the above-mentioned purposes and anyhow in such a way that their safety and privacy are ensured. In any case, data protection is ensured by using both traditional means and the Bank’s innovative channels, such as home banking, phone banking and other above-mentioned multimedia.

## 5. Categories of recipients to which data can be disclosed or to which can become known

A) The Bank can disclose your data to certain parties, also foreign ones (to this purpose, see the following paragraph 6 regarding the data transfer abroad) in case of a specific regulatory obligation to said disclosure;

B) In other cases, the disclosure is necessary since the Bank can be assisted by companies and third parties carrying out processing related to the ones performed by the bank, in implementing banking transactions and services requested by the customers;

C) The Bank as well as the quality of its services have to be checked and the offer of its products has to be enlarged; to this purpose, it can disclose the data to Companies offering this kind of services so that they verify whether the Bank has met their needs and their expectations or whether there is a potential demand for other products or services.

The parties to which your data can be disclosed or which can become aware of them belong to the following categories and use the data received as autonomous Data Controller, or Processor, pursuant to art. 28 of the GDPR.

The full and updated list also including their names or industries can be requested for free to the ICT Compliance Unit at the addresses as per point 9 - Data Controller and Data Protection Officer :

- parties which have to be informed according to a legally binding obligation: e.g.: for purposes related to tax management, assessment and collection, such as the activities of the Inland Revenue; for purposes related the administration of justice, e.g. Judicial Authority; for purposes related to supervisory and control activities and of other activities which are specifically provided for by the regulations: e.g.: Bank of Italy, Consob<sup>1</sup> and ISVAP<sup>2</sup>, IVASS<sup>3</sup>; for purposes linked to the registration and/or cancellation of real estate mortgages, e.g. the Territory Agency; CAI – Interbank Alert Centre, a computerized archive of the Bank of Italy for purposes related to the regular working of the payment systems; for fraud prevention purposes such as MEF - UCAMP<sup>4</sup>; the Central Information Office on credit risks of the Bank of Italy, a computerized archive of information on financial risks enabling the banks to be aware of debts, if any, of customers to the banking system, collecting information from the same banks on own customers risks. To this purposes, banks are obliged to report to the Central Information Office not only non- performing loans regardless of their amounts, but also all credit lines starting from EUR 30,000.00 for all direct risks (cash credits and endorsement credits) and indirect risks (personal securities for third parties); public prevention system of the Ministry of Economy and Finance, which is managed by CONSAP<sup>5</sup> and processing data included in the documents provided by the applicants for transactions as per article 30-ter, paragraphs 7 and 7 bis of the Legislative Decree no. 141 of 13 August 2010 to verify their authenticity;
- financial intermediaries belonging to the Montepaschi Banking Group, pursuant to the provisions of article 46, paragraph 4 of the Legislative Decree no. 231 dated 21 November 2007 providing for the disclosure of the reporting to the other financial intermediaries belonging to the same group, even if they are established in foreign countries (in compliance with the assumptions of Chapter V – Transfer of personal data to third countries or international organizations of the GDPR) with resulting processing by them;
- companies belonging to the Montepaschi Banking Group or its subsidiaries or associated companies pursuant to article 2359 of the Italian Civil Code (also if abroad) or companies subject to joint control, if said disclosure is allowed by the Data Protection Authority and, in all cases, there is a legitimate interest of the Controller;
- agencies or branches of Banca Monte dei Paschi di Siena S.p.A.;

<sup>1</sup> N.d.Tr.: National Commission for the Companies and the Stock Exchange

<sup>2</sup> N.d.Tr.: Institute for Insurance Supervision

<sup>3</sup> N.d.Tr.: Institute for Insurance Supervision

<sup>4</sup> N.d.Tr.: Central anti-fraud office of the means of payment of the Ministry of Economy

<sup>5</sup> N.d.Tr.: Public Insurance Services Agency

- parties carrying out banking, financial and insurance services including joint-surety associations on bank loans;
- parties carrying out data collection and processing services from documents or backups (payments, bills, cheques etc.);
- companies carrying out disclosure processing, printing, forwarding, enveloping, transporting and sorting services for the customers;
- companies carrying out electronic and paper filing of documents;
- companies carrying out data processing and forwarding or, in general, IT services, management of the IT system and of the centralized administrative services: in particular, the Bank uses the Montepaschi Group Operations Consortium, based in Via Ricasoli, 60, Siena, belonging to the Montepaschi Banking Group, to which as external Data Processor, the IT system management has been assigned pursuant to article 28 of the GDPR;
- companies specialized in detection of financial risks (e.g.: CRIF S.p.A., CRIF Servizi S.p.A., Experian Italia S.p.A.);
- companies specialized in detection and processing of financial statements data (Cerved Group S.p.A., CE, BI);
- companies or professionals specialized in credit and goods recovery;
- companies carrying out assistance, advertising and sale services for the customers (e.g.: call centres);
- other companies of services related to and instrumental in managing the relationships with the customers (e.g.: consulting offices, law firms, public officers, rating or auditing agencies, contracted companies or entities);
- companies on behalf of which the Bank carries out intermediation activities for the sale of products and/or services, service quality satisfaction surveys, market surveys, marketing.

Natural persons belonging to the following categories which need to access and process the data because of the assigned tasks can know the data as persons authorized to process the data under the direct authority of the Data Controller or of the Processor:

- employees of the Bank or seconded staff;
- interns, project free-lance or training students;
- staff of the Processor companies.

## **6. Data transfer abroad**

For certain activities the Bank uses trusted parties, sometimes working outside the European Union, carrying out technical, organizational or management tasks on behalf of the Bank. In this case, data are transferred on the basis of the provisions of the current regulations (Chapter V – Transfer of personal data to third countries or international organizations of the GDPR) such as the application of standard contract clauses as defined by the European Commission for transfers towards third companies or the check of the adequacy assessment of the personal data protection systems of the importing country.

## **7. Data storage time**

Your data are stored for the time strictly necessary to achieve the goals for which they were collected, in compliance with the prescription terms or with other legally provided terms for the relevant storage, or longer if it is necessary to store them on the basis of protection requirements of the Controller's rights.

With reference to marketing purposes, your data shall be processed in this way also for six months after the date of the Company's closing its accounts with the Bank.

## 8. Exercise of rights

In relation to the processing described under point 3 above – Purposes of data processing - you are entitled to exercise the rights provided for by articles 15 and the following ones of the GDPR, in particular the right of:

- **access**, i.e. of having your personal data existence confirmed, of knowing their origins well as rationale and purposes of the processing, the recipients or the recipient categories to which the data can be disclosed as well as the storage period, if it is possible to fix it;
- **rectification** of inaccurate data;
- **erasure** (the so-called “right to be forgotten”) if data are no longer necessary for collection purposes and the resulting processing or in case of revocation of consent to data processing (if said consent is optional or there is no other legal reason for processing);
- **portability**, the right to receive the personal data of the data subject in a structured, commonly used and machine-readable format with the possibility to forward them to another Controller. This right does not apply to not automated processing, such as archives and paper registers; moreover, portability only refers to data processed with the consent of the data subject and only if the data are provided by the data subject;
- **objection**, the right to object to the processing on grounds related to a particular situation of the data subject, such as the right to object to the processing of personal data for sending of advertising material or newsletter, of direct sale or for market survey or direct marketing uses;
- **complaint**, to be sent to the Data Protection Authority, Piazza di Montecitorio, 121 – 00186 Rome ([garante@gpdp.it](mailto:garante@gpdp.it); +39 06 69677.1; telefax +39 06 69677.3785).

Moreover, pursuant to article 7, paragraph 3 of the GDPR the right to revoke the consent in any time is recognized; the revocation of consent does not jeopardise the lawfulness of the processing based on the consent given before the revocation.

To exercise the above-mentioned rights you can contact the Privacy Protection Unit at MPS Capital Services Banca per le Imprese S.p.A. - MPS CS Compliance Sector, Via Leone Pancaldo n. 4 - 50127 Firenze (e-mail: [privacy@mpscs.it](mailto:privacy@mpscs.it)). The complete and updated list of the other Managers, both internal and external to the Bank, is also available at the ICT Compliance Unit of Banca Monte dei Paschi di Siena S.p.A..

## 9. Data Controller and Data Protection Officer

**Data Controller is MPS Capital Services Banca per le Imprese S.p.A. with registered office in Via Pancaldo n. 4 - 50127 Firenze.**

The Data Protection Officer (DPO) is pro tempore in charge of the ICT Compliance Unit of Banca Monte dei Paschi di Siena S.p.A. and can be contacted at the following e-mail certified addresses: [responsabileprotezionedeidati@postacert.gruppo.mps.it](mailto:responsabileprotezionedeidati@postacert.gruppo.mps.it) and of ordinary e-mail: [responsabileprotezionedeidati@mps.it](mailto:responsabileprotezionedeidati@mps.it), which the data subject can contact for all issues concerning personal data processing and to exercise the rights provided for by the GDPR.

**MPS Capital Services Banca per le Imprese S.p.A.**

## CONSENT TO PERSONAL DATA PROCESSING

Having duly noted the above-mentioned information,

- to Company data being disclosed by the Bank to third parties surveying the Bank's service quality

**We give consent / we do not give consent**

- to company data being processed by the Bank for commercial purposes, market researches, survey of the service quality customer satisfaction, sending of newsletters, invitations to events or contests organized by the Bank, direct offers of products or services of the Bank through automated and/or traditional modalities,

**We give consent / we do not give consent**

- to company data being processed by the Bank for commercial purposes, market researches, survey of the service quality customer satisfaction, sending of newsletters, invitations to events or contests organized by the Bank, direct offers of products or services of the Bank through automated and/or traditional modalities,

**We give consent / we do not give consent**

- to company data being disclosed by the Bank to third parties for commercial purposes, market researches, sending of newsletter, invitations to events or contests, direct offers of products or services

**We give consent / we do not give consent**

Date \_\_\_\_\_

Signature \_\_\_\_\_