

## PRIVACY NOTICE

### Introduction

The protection of personal data (also referred to as “**data**”) is important to CaixaBank Wealth Management Luxembourg S.A., (hereinafter “**CWML**”, “**we**”, “**us**” or “**our**”), which has adopted strong principles in respect to data protection, based on the requirements of the EU General Data Protection Regulation (EU) 2016/679 (GDPR) as well as applicable national data protection laws such as the Luxembourg Law of 1 August 2018 (hereinafter collectively “**Data Protection Law**”).

### 1. Purpose of this Privacy Notice

This Privacy Notice concerns natural persons residing in the European Economic Area (EEA) protected under Data Protection Law. These natural persons whose data is processed and controlled by CWML in the context of its activities can belong to these categories (without being limited to): prospects, clients’ representatives, board members, attorneys, contact persons, agents, service providers, visitors (at CWML premises), controlling persons, (potential) investors and beneficial owners, including their relatives (hereinafter, each individually or collectively, the “**Data subject**”).

This Privacy Notice provides the Data subject with clear information on which personal data (namely any information directly or indirectly relating to an identified or identifiable natural person) CWML collects, what it does with that personal data, and what rights the Data subject has.

As part of CWML’s commitment to protect the Data subject’s personal data in a transparent manner, CWML would like to inform the Data subject about:

- why and how CWML collects, uses and stores personal data;
- the lawful basis on which personal data is processed;
- what the Data subject’s rights are in relation to such processing;
- who will have access to your data and how long they will be stored; and
- How to reach out to CWML via our Data Protection Officer.

### 2. What types of personal data CWML collects and processes?

The processing of personal data is based on, as applicable, Article 6 (1) (a), (b), (c), (e) or (f) of the GDPR. Please refer to section 3 below for further clarification.

In addition, if processing special categories of personal data or personal data relating to criminal convictions, CWML will do so in accordance with the special rules provided for in Data Protection Law, namely the GDPR Articles 9 and 10.

CWML, as data controller (namely an entity that determines the purposes and the means of processing of personal data), may collect and process, to the extent necessary in the framework of its activities, and in compliance with legal obligations and to provide the Data subject with a high standard of personalized products and services, personal data about the Data subject, including:

- personal identification data, such as the name, identification number, date of birth, phone number, physical and electronic address and family details, and other contact information;

- KYC documents (national identity card or passport): issuance numbers, date and place of issuance, duration of validity and copies of such documents;
- financial information, including payment and transaction records and information relating to the Data subject's assets, financial statements, liabilities, taxes, revenues, earnings and investments (including the Data subject's investment objectives);
- tax domicile and other tax-related documents and information (including FATCA and/or CRS status);
- where applicable, professional information about the Data subject, such as the job title and work experience;
- the knowledge of, and experience, objectives in, investment matters;
- details of CWML's interactions with the Data subject, and the products and services this latter use;
- subject to the requirements of applicable law, notably its obligations under MiFID II, any records of phone calls between CWML and the Data subject; including associated data such as the caller number, the number called, the date and duration of the call;
- subject to the requirements of applicable best practices (see [CNPD Guidelines on CCTV](#)), video surveillance based on CWML legitimate interest;
- where applicable, details of the Data subject's nomination of a proxyholder;
- identifiers CWML assign to the Data subject, such as the Data subject's client or account number, including for accounting purposes;
- data necessary to fight against over indebtedness; and
- if applicable, incoming and outgoing electronic messages.

In certain circumstances, CWML may collect and use personal data of individuals with whom CWML could have or previously had a direct relationship, such as prospects.

For this purpose, CWML processes personal data in its database based on its legitimate interest to maintain a record of interactions with prospects and to contact them regarding its products, services, or potential business opportunities, this in compliance with applicable legal obligations.

CWML may also collect information about the Data subject where the latter does not have a direct relationship with CWML. This may happen, for instance, when the personal data are provided to CWML by one of its clients or third parties if the Data subject is, for example:

- family members ;
- co-borrowers / pledgors;
- proxy holders, right of view holders;
- beneficiaries of payment transactions made by our clients;
- beneficiaries of insurance policies and trusts;
- landlords;
- ultimate beneficial owners (UBO);
- clients' debtors (e.g. in case of bankruptcy);
- company shareholders;
- representatives of a legal entity (which may be a client or a vendor); and
- staff of service provider and commercial partners.

Before providing CWML with this information, our clients or third parties should provide a copy of this Privacy Notice to the concerned Data subject.

CWML never asks for personal data related to racial or ethnic origins, political opinions, religious or philosophical beliefs, trade union membership, genetic data, data concerning sexual orientation or data relating to criminal convictions and offences, unless it is required through a legal obligation.

The data CWML uses about the Data subject may be:

- directly provided by the Data subject; or otherwise
- obtained from public registers;
- public administration or other third-party sources, such as credit reference agencies, fraud prevention agencies, intermediaries that facilitate data portability;
- websites/social media pages containing information made public by the Data subject (e.g. own website or social media); and
- databases made publicly available by third parties.

### **3. On which legal basis and for which purposes does CWML process the Data subject's personal data?**

#### ***A) To comply with CWML's legal and regulatory obligations (art. 6.1.c GDPR)***

CWML uses the Data subject's personal data to comply with various legal and regulatory obligations, including banking and financial regulations and the Law of 12 November 2004 on the fight against money laundering and terrorist financing in compliance with which CWML may:

- set up security measures in order to prevent abuse and fraud;
- detect transactions which deviate from normal patterns;
- define the Data subject's investment profile, credit risk score, etc.;
- ensure an adequate risk management of CWML;
- fulfil reporting obligations vis-à-vis the relevant local and foreign authorities;
- manage and preparing reports on incidents and accidents;
- comply with any applicable rules, laws and regulations, codes of practice or guidelines, obligations, requirements or arrangements for collecting, using and disclosing Personal Data;
- assist in law enforcement and investigations by relevant authorities
- record, subject to the requirements of applicable law, phone calls, email, etc.;
- reply to an official request from a duly authorized public or judicial authority;
- engage in the prevention of money-laundering and financing of terrorism;
- ensure compliance with legislation relating to sanctions and embargoes; and
- fight against tax fraud and ensure fulfilment of tax control and notification obligations.
- for the fulfilment of the internal requirements of CWML, including credit- and risk management (in particular regulatory, legal, financial and reputational risks), audit and management purposes to assure the sound and responsible management of CWML and of CaixaBank's Group;
- for tax management processes
- respond to and process Data Subject's request in line with applicable Data Protection Law.

#### ***B) To perform a contract with the Data subject or to take steps at the Data subject's request before entering into a contract (art. 6, 1, b GDPR)***

CWML uses the Data subject's personal data to enter into and perform contracts, including to:

- respond to, process and handle the Client's complaints, queries, requests, feedback and suggestions;
- verify the Client's identity and perform Client due diligence;
- manage the administrative and business operations of the Bank and comply with internal policies and procedures;
- manage fees, interest and charges on the Client's account or exercise rights set out in contractual agreements;
- verify or confirm trade orders or instructions from the Client or for their account, including but not limited to instructions on fund transfers or remittances;

- match any Personal Data held which relates to the Client for any of the purposes listed herein;
- analyse and manage commercial risks to the extent allowed by law;
- facilitate the creation and use of the online portal for the Data subject, enabling them to submit requests, view relevant information, manage their interactions with the CWML efficiently.
- act in connection with any claims, actions or proceedings (including but not limited to drafting and reviewing documents, transaction documentation, obtaining legal advice, and facilitating dispute resolution), and/or protecting and enforcing our contractual and legal rights and obligations; and
- ensure adequate archives management.

Furthermore, in the course of the contractual relationship, CWML will use mechanisms that may make decisions based solely and exclusively on automated processing (i.e. without the involvement of a physical person) that could produce legal effects on our clients, or that could significantly affect them (for example, by refusing the contracting of a certain product). CWML will inform the Data subject of this in the contractual documentation of our product or service, together with the rationale by virtue of which the decision is made.

In this case we will adopt measures to safeguard Data Subject's rights and interests providing them with the right to obtain human intervention, to express their point of view and to challenge the automated decision.

The provision of data for this purpose may be a requirement necessary for us to enter into a relationship, or to continue the relationship, with the relevant client or prospect, service provided, counterparty, other entity of CaixaBank's group, or other third party.

***C) To fulfill CWML's legitimate interest (art. 6, 1, f GDPR) and to defend CWML legal rights, including:***

CWML uses the Data subject's personal data to fulfill CWML's legitimate interest and to defend CWML legal rights:

- for the exercise of CWML's business in accordance with reasonable market standards;
- for the prevention and investigation of crime, as well as fraud prevention;
- for the prevention, establishment, exercise and defense of legal claims, disputes or litigations;
- to assure the safety and continuity of our services;
- to assure a proper IT management including business continuity and IT security;
- for general management and development of our services, systems and products;
- for the onboarding of new clients; - for client advisory services, sales, including profiling;
- for the improvement of our products and services; and
- for undertaking transactional and statistical research and market research.
- manage the safety and security of our premises and services (including but not limited to carrying out CCTV surveillance and conducting security clearances);
- for conducting service quality surveys to assess the quality of services provided via phone, email or through the eBanking or CaixaBank's Group platforms;
- verify whether the Data subject are listed as a person or entity covered by the restrictive measures of the measures laid out in the programmes of international financial sanctions and countermeasures adopted by the Office of Financial Sanctions Implementation (OFSI) of His Majesty's Treasury (HMT) of the UK and the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC).
- to process the Data subjects' personal data for analysis and appraisal purposes, and (ii) to share the Data subjects' personal data other entities of the CaixaBank Group (listed at <https://www.caixabank.com/es/sobre-nosotros/grupo-caixabank.html>) which use them for the purposes to offer Data subjects their products and services.

The performance of such processing will only occur following an assessment of the Data subject's rights and our legitimate interest in which we will have concluded that the latter prevails. Otherwise, we would not carry out the processing. The Data subject can view the analysis of the balance of the legitimate interest of a processing operation at any time by sending a request to the email address: [dpo@caixabankwealthmanagement.lu](mailto:dpo@caixabankwealthmanagement.lu).

***D) To respect the Data subject's choice if CWML requests their consent for specific processing (art. 6, 1, a GDPR) such as:***

- to engage in direct marketing or for the organisation of dedicated marketing events;
- for the provision of additional services at the request of the Client;

It is the case when personal data are processed for commercial purposes.

**4. Who has access to personal data and with whom are they shared?**

In accordance with the applicable laws and regulations, CWML may transfer and communicate the data to recipients, such as (to the extent applicable):

- other entities of CaixaBank's Group and in particular CWML's parent company; and/or
- counterparties, nominees, contractors, sub-contractors, attorneys or service providers and/or those of our clients; and/or
- our correspondents, the third party custodians or other third party financial institutions, the Central Securities Depositories, the Central Clearing Counterparties, any entities or investment vehicles in which our client invests (even through a nominee service) and their own service providers; and/or
- companies carrying out investigations on our behalf; and/or
- external agencies or providers involved in the organisation of marketing events; and/or
- any judicial, market, tax, law enforcement, regulatory or other administrative authorities and/or government agencies, within or outside the Data Subject's country of residence.

These recipients may process the data as processors (when processing the data on our behalf) or as distinct controllers (when processing the data on their behalf). These recipients may also in turn transfer the data to their own processors and/or to distinct controllers.

CWML may also disclose personal data if CWML determines that, for purposes of national security, law enforcement, or other issues of public importance, disclosure is necessary or appropriate.

CWML may also disclose personal data if CWML determines in good faith that disclosure is reasonably necessary to protect our rights and pursue available remedies, enforce our internal regulations, investigate fraud, or protect our operations or users.

**5. Outsourcing**

CWML may outsource all or part of the personal data processing in back-office services, enquiry response services, equipment maintenance services, marketing services, and other services.

When executing an outsourcing agreement, the eligibility of the counterparty as an outsourcee is sufficiently investigated. Safety management measures, confidentiality, conditions for the outsourcee to outsource to another party, and other matters regarding the appropriate processing of personal data are prescribed in the outsourcing agreement, and our outsourcees are appropriately supervised by implementing periodic monitoring, etc. of the outsourcing conditions.

Any international transfers of personal data will be conducted in strict adherence to the legal requirements outlined by Data Protection Law and in particular Chapter V of the GDPR. This means that appropriate safeguards, such as the European Commission standard contractual clauses or other approved transfer mechanisms, will be implemented to ensure the protection and security the Data subject's personal data.

The personal data provided (deposited) by the outsourcer in the services outsourcing is used within the scope necessary to perform the agreement with the outsourcer.

The Data subject may request a copy of the appropriate guarantees required by CWML from these outsourcers by contacting the Data Protection Officer at [dpo@caixabankwealthmanagement.lu](mailto:dpo@caixabankwealthmanagement.lu).

## **6. Joint Controllership**

In certain instances, CWML engages in joint processing activities of investors' data with other companies of the CaixaBank Group, in accordance with established joint controllership agreement signed between the companies, as outlined below:

- Collecting information and documentation that allows us to comply with due diligence and know-your-customer measures;
- Verifying the information that the Data subject share with us;
- Verifying whether the Data subject hold or have held positions of public responsibility;
- Categorising their level of risk, in accordance with which the various due diligence measures based on the Prevention of Money Laundering and Terrorist Financing regulations will be applied;
- Analysing the operations executed through CaixaBank, in accordance with legal obligations;
- Verifying the Data subject's relationship with companies and, if necessary, the Data subject controlling position within the ownership structure of these, and;
- Reporting and updating their information on a monthly basis in the Financial Ownership File, which is the responsibility of the Executive Service of the Spanish Commission for the Prevention of Money Laundering and Monetary Offences (SEPBLAC).
- Controlling of International financial sanctions and countermeasures policies of OFSI and OFAC.

This processing may involve profiling, by drawing up a profile with the collected data to prevent the execution of operations likely to be subject to money laundering or terrorist financing.

These profiles are tools that help anti-money laundering and terrorist financing prevention units to assess whether or not transactions are susceptible to money laundering or terrorist financing and therefore whether or not to accept them.

The list of companies that process the Data subject's data, as well as the essential aspects of the processing agreements subject jointly with CWML are available at the following link: [www.caixabank.es/empresasgrupo](http://www.caixabank.es/empresasgrupo).

## **7. Data retention periods**

CWML will process your data for the duration of our contractual relationships with the Data subject and 10 years after the end of the contractual relationship or as otherwise required by applicable laws and/or regulations. This is in line with Art. 2262 of the Luxembourgish code civil.

Personal data collected as part of our KYC assessment procedures may be retained for a period of five years, extendable for an additional five years in cases provided for by the Law of 12 November 2004 (AML/CTF Law).

For the processing activities based on consent, CWML will process data based on the Data subject's consent, until it is revoked and in line with legal obligations.

Personal data processed as part of an employment application process will be retained until closure of the job position, unless you provide consent for an extended retention period to consider your application for future similar opportunities. In this case data might be stored for up to two years.

CWML may keep the Data subject's data longer solely to comply with the legal obligations and to allow for the arrangement, exercise and defence of claims during the statute of limitation period relating to the actions arising from contractual relationships.

Personal data collected through the website shall not be retained for a period longer than necessary to fulfil the specific request. Once the purpose is satisfied, the Data subject's personal data will be securely deleted.

Data related to telephone recordings and electronic communications is retained for a maximum period of 5 years, which may be extended to 7 years upon the request of the competent authorities.

We will process this data by applying the technical and organisational measures necessary to ensure that they may only be used for the relevant purposes.

If the Data subject would like further information on the period for which their personal data will be stored or the criteria used to determine that period, they can contact CWML (see section 11 below).

## **8. What are the Data subject's rights and how can he/she exercise them?**

Within the limits and conditions imposed by Data Protection Law, the Data subject has the following rights:

- ✓ The right to information. CWML hopes that this notice has answered the Data subject's questions. For further information, the Data Subject can contact CWML's Data Protection Officer at [dpo@caixabankwealthmanagement.lu](mailto:dpo@caixabankwealthmanagement.lu).
- ✓ The right to access the personal data. The Data subject can access their data by contacting CWML's Data Protection Officer at [dpo@caixabankwealthmanagement.lu](mailto:dpo@caixabankwealthmanagement.lu). Please note, however, that CWML processes a large amount of data and, in accordance with the law, the Data subject may be asked to specify which data or transactions his/her request relates to prior to any provision of data.
- ✓ The right to rectify the personal data if they are incorrect or obsolete.
- ✓ The right to lodge a complaint with the National Commission for Data Protection (CNPd, 15, Boulevard du Jazz, L-4370 Belvaux, [www.cnpd.public.lu](http://www.cnpd.public.lu)) or with any competent data protection supervisory authority in their EU Member State of residence, if the Data subject considers that the processing of his/her data does not comply with the law.
- ✓ In certain cases, and according to the conditions laid down by law (in which case CWML will first check that these conditions have been met), the Data subject is also entitled to the following:
  - ✓ The right to request the erasure of their data, to the extent permitted by the law.
  - ✓ The right to request the restriction of processing of their data.
  - ✓ The right to object to the processing of their data for reasons relating to their specific situation (except where there are legitimate and compelling reasons for CWML to continue processing).
  - ✓ The right to portability of data that the Data subject has provided to CWML, where technically feasible.

The Data Subject is entitled to withdraw their consent to the collection and processing of the personal data at any time, but this withdrawal will not affect the lawfulness of processing based on their consent before its withdrawal.

If the Data subject is a customer of CWML and wishes to exercise the abovementioned rights, they can rely on the [CWML Request form](#) to exercise individual rights under Data Protection Law, available on



CWML's website or they can contact the CWML Data Protection Officer at [dpo@caixabankwealthmanagement.lu](mailto:dpo@caixabankwealthmanagement.lu).

## **9. Security note**

CWML has put in place appropriate technical and organizational measures to prevent unauthorized or unlawful access to the personal data the Data subject has provided to CWML, as well as to prevent accidental loss, destruction damage, etc.) using appropriate technical or organizational measures to achieve this.

While CWML strives to implement and maintain robust security measures, please note that no method of transmission over the internet or electronic storage is entirely secure.

In case of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed, CWML has the mechanisms and policies in place in order to identify it and assess the details of the breach promptly. Depending on the outcome of our assessment, we will make the necessary notifications to the CNPD and communications to the affected data subjects.

## **10. Changes to personal data**

CWML is committed to keeping the Data subject's personal data accurate and up to date. Therefore, if the Data subject's personal data change, please inform CWML of the change as soon as possible either by contacting your internal point of contact (e.g. clients advisor) or contacting the CWML Data Protection Officer at [dpo@caixabankwealthmanagement.lu](mailto:dpo@caixabankwealthmanagement.lu).

## **11. How to contact CWML?**

For any questions concerning the processing of the Data subject's personal data by CWML, the Data subject may contact the CWML Data Protection Officer (DPO):

- by e-mail: [dpo@caixabankwealthmanagement.lu](mailto:dpo@caixabankwealthmanagement.lu)
- by post: CaixaBank Wealth Management 46B, avenue J.F. Kennedy, 5ème étage, L-1855 Luxembourg.

For requests where the Data subject's identity cannot be confirmed or where the request is made on behalf of another person, the Data subject may be required to attach a copy of their identity document so that CWML can identify them.

## **12. Status of this privacy notice**

This Privacy Notice may be updated from time to time. The new dated version of the Privacy Notice takes effect as soon as it is published on our website: <https://www.caixabankwealthmanagement.lu>.

Please kindly note that it is the Data subject's own responsibility to regularly review our Privacy Notice in order to stay informed about any modification thereto.

*This version has been last update in April 2025.*