

## CaixaBank Wealth Management Luxembourg

### Privacy Notice

#### Introduction

The protection of the personal data is important to CaixaBank Wealth Management Luxembourg, (hereinafter “**CWML**”), which has adopted strong principles in respect to data protection, based on the requirements of the EU General Data Protection Regulation (EU) 2016/679 (hereinafter “**GDPR**”).

The GDPR aims at harmonizing data protection law across EU Member States and introduces higher data protection standards as well as transparency of personal data collection and processing. As from the 25<sup>th</sup> of May 2018, the GDPR has replaced the former EU data protection regime established by the Data Protection Directive 95/46/EC, which was transposed in the Luxembourg legal environment by the law of 2 August 2002 relating to the protection of individuals with regard to the processing of personal data.

#### 1. Purpose of this Privacy Notice

This Privacy Policy concerns natural persons residing in the European Economic Area protected under the GDPR. 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, signatories, employees, officers, attorneys, contact persons, agents, service providers, promoters, initiators, visitors (at CWML premises), controlling persons, (potential) investors and beneficial owners, including their relatives (hereinafter, each individually, the “**Data subject**”).

This Privacy Notice provides the Data subject with general information on which personal data (namely any information 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; and
- what are the Data subject’s rights and obligations in relation to such processing.

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

CWML will process the Data Subject's personal data based on the legal bases provided in the GDPR (Articles 6 and 7). In addition, if processing personal data that requires special care, CWML will do so in accordance with the special rules provided for in 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 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, any records of phone calls between CWML and the Data subject<sup>1</sup>;
- subject to the requirements of applicable law, video surveillance;
- 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; and
- data necessary to fight against over indebtedness.

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**.

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 client 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.

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<sup>1</sup> In this regard, a specific "Notice on the recording of telephone and electronic communications" has been issued by CWML and is available on CWML's website.

Before providing CWML with this information, our clients or third parties should provide a copy of this 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 payroll 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 in compliance with which CWML:

- 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;
- 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;
- prevention of money-laundering and financing of terrorism;
- compliance with legislation relating to sanctions and embargoes; and
- fight against tax fraud and fulfillment of tax control and notification obligations.

The provision of data for this purpose has a statutory/regulatory nature.

***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, processing and handling the Client's complaints, queries, requests, feedback and suggestions;
- verify the Client's identity and 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 confirming trade orders or instructions from the Client or for his/her 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;
- prevent, detect and investigate crime, including fraud and money-laundering or terrorist financing, and analyse and manage commercial risks to the extent allowed by law;
- manage the safety and security of our premises and services (including but not limited to carrying out CCTV surveillance and conducting security clearances);
- 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;
- archives management; and
- direct marketing or for the organisation of dedicated marketing events.

The provision of data for this purpose has a (pre)contractual nature.

***C) To fulfill CWML's legitimate interest (art. 6, 1, f GDPR)***

CWML uses the Data subject's personal data in order to deploy and develop CWML's products or services, to improve CWML's risk management and to defend CWML legal rights, including:

- for the exercise of CWML's business of the Bank in accordance with reasonable market standards;
- for the fulfillment 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 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.

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.

***D) To respect the Data subject's choice if CWML request his/her consent for specific processing (art. 6, 1, a GDPR)***

In limited cases, CWML might require the Data subject's consent to process his/her personal data, in particular if CWML needs to carry out further processing for purposes other than those as defined above in **Article 3** hereof, and when the Data subject consent needs to be obtained where required by applicable laws other than GDPR.

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
- any natural person or entity having an interest in, or involved in, our relationship with the relevant client, prospect, service provider, counterparty, CaixaBank's Group entity or other third party; 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 concern 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 outsourcee are appropriately supervised by implementing periodic monitoring, etc. of the outsourcing conditions.

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.

## 6. How long does CWML store the Data subject's data?

CWML will retain the Data subject's personal data for the longer of:

- the period required by applicable law; or
- such other period necessary for us to meet our operational obligations, such as: proper account maintenance, facilitating client relationship management, and responding to legal claims or regulatory requests.

In addition, most personal data collected in relation to a specified client is kept for the duration of the contractual relationship with such client plus a specified number of years after the end of the contractual relationship or as otherwise required by applicable laws and/or regulations, in particular in order to enable CWML to comply with our legal and/or regulatory obligations, to manage claims and/or litigations, to exercise or defend our rights or those of any other person and/or to meet authorities' requests.

If the Data subject would like further information on the period for which his/her personal data will be stored or the criteria used to determine that period, he/she can contact CWML (see **Article 10** below).

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

Within the limits and conditions imposed by legislation, 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, please contact CWML's Data Protection Officer.
- **The right to access the personal data.** The Data subject can access his/her data by contacting CWML's Data Protection Officer. 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)) 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 his/her data, to the extent permitted by the law.
- **The right to request the restriction of processing** of his/her data.
- **The right to object to the processing** of his/her data for reasons relating to his/her 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 his/her 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 the consent before withdrawal thereof.

Further details regarding the above rights are provided in Chapter III of GDPR and in particular in articles 15 to 21.

If the Data subject is a customer of CWML and wishes to exercise the abovementioned rights, he/she can rely on the **CWML Request form to exercise individual rights under GDPR**, available on CWML's website.

## 8. 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 (Articles 25(1) and 32 of GDPR).

As complete data security cannot be guaranteed for communication via e-mails and similar means of communication. In that respect, CWML would recommend sending any particularly confidential information by an alternative secure means.

In case of 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 (Articles 33 and 34 of the GDPR).

## 9. 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.

## 10. 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, 5<sup>ème</sup> étage,  
L-1855 Luxembourg

For all requests, the Data subject has to attach a copy of his/her identity document so that CWML can identify him/her.

## 11. Status of this privacy notice

This Privacy notice may be altered from time to time to best protect the Data subject's personal data. The latest version in force is available on CWML's website <https://www.caixabankwealthmanagement.lu>.