

To give you an insight as to how we process your personal data, and an overview of your rights under applicable data protection regulation, we at Wirecard Bank AG (“**Bank**”, “**We**” or “**Us**”) have answered some of the most pertinent questions below.

Please forward this data protection information to any third parties which are involved in the lending operation (e.g. guarantors, representatives, commercial owners).

General information

Funding Circle Deutschland GmbH (“**Funding Circle**”) operates an online platform (“**Platform**”) at the website www.fundingcircle.com/de, to broker loans to small and medium-sized businesses. Interested parties can use the platform to place a loan application online. Funding Circle then sends the interested parties options for loan agreements with the Bank.

If an interested party enters into a loan agreement with the bank through Funding Circle, the bank sells all of the claims which it has against the borrower due to the loan agreement to Funding Circle Connect GmbH (“**Funding Circle Connect**”) and/or institutional investors. In turn Funding Circle Connect subsequently sells the respective contracted claims which it bought from the Bank to private and/or institutional investors on a pro rata basis. The Bank, as an investor, may also purchase claims from the loan agreement from Funding Circle Connect. With the purchase of the claims from the respective loan agreement, the investor(s) are also entitled to claims against the guarantor(s) of the loan.

Funding Circle will manage the investors’ purchased claims against the borrower(s) and guarantor(s) on their behalf.

Funding Circle Connect, or the investor designated by Funding Circle Connect, will enter into the loan agreement as the lending bank in the event that the Bank ceases to be a party to the agreement.

1. Who is responsible for the data processing and whom can you contact?

For questions, please contact

Wirecard Bank AG
Einsteinring 35
DE-85609 Aschheim
Telephone: +49 89 4424-2000
Facsimile: +49 89 4424-2100
Email: service@wirecardbank.com

You can reach our Data Protection Officer at:

Wirecard Bank AG
Data Protection Officer
Einsteinring 35
DE-85609 Aschheim
Data protection form: <https://www.wirecard.com/privacy-policy/form>
E-Mail: data.privacy@wirecard.com



2. Which sources and data do we use?

We process the personal data of (potential) borrowers and (potential) guarantors, their representatives and commercial owners, which we receive from them during the loan application process, the conclusion of the loan agreement and the performance of the loan agreements and/or guarantee contracts. In addition, we



process - if necessary to provide our services - personal data which we received from other third parties (e.g. credit agencies) in a legitimate manner (e.g. to execute contracts) and are permitted to process. Furthermore, we process personal data which we obtained from a publicly accessible source (e.g. debtors' indices, commercial registers, press, media, internet) in a legitimate manner and are permitted to process.

We process the following personal data:

- basic information (e.g. name, address, date/place of birth and nationality, position, earnings),
- contact information (e.g. telephone number, email address),
- register data (e.g. commercial register, partnership register, occupational register),
- legitimisation data (e.g. identity card information),
- authentication data (e.g. sample signature),
- tax number,
- account information (e.g. IBAN),
- loan information (e.g. purpose, loan amount, loan ID),
- information on payment behaviour (e.g. arrears),
- scoring/rating data,
- creditworthiness data (e.g. statement on excess of receipts over expenses, balance sheets, business assessments, type and duration of self employment, information on income and expenditures as well as assets and debts, income statements, tax documents, proof of assets, guarantees taken on, number of dependent children, matrimonial property scheme, information on/proof of purpose, asset sources),
- customer contact information (e.g. information on contact channel, date, reference and result of the contact initiation as well as correspondence)
- and other information comparable to the above categories.

3. Why do we process your data (processing purpose), and on what legal basis?

We process the above personal data pursuant to the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG) for the following reasons:

a) To meet contractual obligations (Article 6 (1) (b) GDPR)

We process personal data to perform the loan agreements and/or guarantee contracts which we entered into with the borrowers and/or guarantors, respectively, or to take the pre-contractual measures which were requested by the borrower and/or the guarantors. Please see the respective agreement for further details about the processing purpose.

b) Due to statutory provisions (Article 6 (1) (c) GDPR) or the public interest (Article 6 (1) (e) GDPR)

Furthermore, as a bank, we are subject to various statutory provisions, i.e. federal laws (e.g. credit services act, money laundering act, tax act) as well as banking supervisory regulations (e.g. of the European Central Bank; the European banking regulator the German Financial Supervision Authorities Deutsche Bundesbank and Bundesanstalt für Finanzdienstleistungsaufsicht). The processing purposes also include, amongst others, checking the creditworthiness and identity, preventing fraud and money laundering, meeting obligations to declare taxes and perform tax reviews as well as evaluating and managing risks in the Bank and company.

c) Within the scope of weighing interests (Article 6 (1) (f) GDPR)

If necessary, we process your data beyond the scope necessary to perform the loan agreements and the guarantor contracts to safeguard our legitimate interests, or those of third parties.

Examples:

- consultations and data exchanges with credit agencies (e.g. SCHUFA, the General Credit Protection Agency; Creditreform) to determine creditworthiness and/or non-payment risks;
- forwarding data to Funding Circle so it can manage investors' loan and guarantee claims;
- forwarding data to banks or other financial institutions ("**Third institutions**") within the scope of transferring credit claims (arising under loan agreements) and guarantee claims which the Bank, as an investor, purchased from Funding Circle Connect to the pertinent third institutions for approved equity relief, risk diversification or refinancing;
- forwarding data to Funding Circle Connect or an investor designated by Funding Circle Connect in case the Bank ceases to act as the lending bank;
- asserting legal claims and raising a defence in legal disputes;
- ensuring the Bank's IT security and IT operations;
- preventing and uncovering criminal offences;
- risk management within the company.

d) Due to your consent (Article 6 (1) (a) GDPR)

If you have given us your consent to process personal data for specific purposes (e.g. disclosure of data within the company), the legal basis for said processing is your consent. You may withdraw your consent at any time. Said also applies if you gave your consent prior to the application of the European General Data Protection Regulation, meaning prior to 25 May 2018. Please note that the withdrawal will not be effective retroactively. Processing of data which occurred before the withdrawal is not affected.

4. Who will receive your data?

Within the Bank your data will be accessible to any staff who needs them to fulfil our contractual and statutory obligations. Data may also be transmitted to service providers and agents which we employ within the scope of processing on behalf (Article 28 GDPR), provided they maintain customer-bank confidentiality. Mainly, said are companies that provide services in the areas of lending, IT, logistics, printing, telecommunications and debt collection.

Regarding the disclosure of data to recipients outside of the Bank, please firstly note that we, as a bank, are obliged to maintain secrecy about all customer-related affairs and evaluations to which we are privy (banking secrecy). We may forward your information only if so stipulated by statutory provisions, you have given your consent or we are authorised to issue banking information.

Based on the above conditions the following institutions, for example, may be the recipients of personal data:

- public agencies and institutions (e.g. Deutsche Bundesbank, Bundesanstalt für Finanzdienstleistungsaufsicht, the European banking regulator, the European Central Bank, financial authorities, criminal prosecution authorities) if a legal or authoritative obligation exists;
- other credit and financial services institutions or comparable institutions to which we forward your personal data to maintain our business relationship with you (e.g. correspondent banks, credit agencies);
- service providers and agents which we have engaged within the scope of processing on behalf (Art. 28 GDPR).

Additional recipients include agencies for which we have your consent to forward data and/or for which you have released us from the banking secrecy pursuant to an agreement or consent.

5. Do we transmit your data to third countries or an international organisation?

We will not transmit your data to countries outside the European Union and/or the the European Economic Area (so-called third countries) unless

- it is necessary to perform a contract which we have concluded with you;
- it is required by law (e.g. tax notification) or
- you have given us your consent.

Otherwise, we do not transmit personal data to a third country or to an international organisation. The Bank does use service providers for certain tasks, however. In turn the latter usually also use service providers which may be seated, have a parent company or data centres in a third country. The transfer of data is permitted if the European Commission has decided that the third country has an adequate level of protection (Article 45 GDPR). If the Commission did not reach such decision, the Bank or service provider may not transmit personal data to a service provider in a third country unless it provides adequate guarantees (e.g. standard data protection clauses which have been accepted by the Commission or the supervisory authority in special proceedings) and enforceable rights and effective legal instruments. In addition, the Bank has contractually agreed with its service providers that they and their contracting partners shall conclude agreements which always include data protection pursuant to the European data protection standard.

6. How long will we store your data?

We process and store your personal data as long as it is necessary to fulfil our contractual and legal obligations and/or as long as you are a representative of the respective (natural/legal) party in their relationship with us.

Once we no longer require the data to fulfil the contractual or legal obligations, we will delete the data at regular intervals unless their processing is necessary for the following purposes for a limited period of time:

- fulfilment of retention obligations under commercial and tax laws. Said are the German Commercial Code (HGB), German Tax Code (AO), German Banking AbgabAct (KWG) and German Money Laundering Act (GwG). The retention periods specified therein are two to ten years.
- preserving evidence within the scope of the statutes of limitations. Pursuant to sections 195 et seq. German Civil Code (BGB) said statutes of limitation can be up to 30 years; however, the standard statute of limitations is three years.

7. What data protection rights do you have?

Every person concerned has the right of **access** pursuant to Article 15 GDPR, right to **rectification** pursuant to Article 16 GDPR, right to **erasure** pursuant to Article 17 GDPR, right to **restriction of processing** pursuant to Article 18 GDPR, right to **object** pursuant to Article 21 GDPR and the right to **data portability** pursuant to Article 20 GDPR. Sections 34 and 35 German Federal Data Protection Act apply to the rights to access and erasure. Furthermore, the person concerned has the right to lodge a complaint with a supervisory authority (Article 77 GDPR in conjunction with section 19 German Federal Data Protection Act).

You may withdraw the consent which you have given to us, to process your personal data, at any time. Said also applies if you gave your consent prior to the application of the European General Data Protection Regulation, meaning prior to 25 May 2018. Please note that the withdrawal will not be effective retroactively. Processing of data which occurred before the withdrawal is not affected.

8. Are you obliged to provide data?

Within the scope of our business relationship you are obliged to provide such personal data as is necessary to enter into and maintain a business relationship and to fulfil the contractual obligations pertaining thereto, or as we are legally obliged to collect. Without said data we will generally have to deny the conclusion of the agreement or cease to execute an existing contract, and to terminate it if necessary.

If you are authorised to act as a representative, you are obliged to provide such personal data as is necessary to obtain and occupy the position as a representative/authorised agent and to fulfil the contractual obligations pertaining thereto, or as we are legally obliged to collect. Without said data we will generally have to reject you as a representative/authorised agent and/or must terminate an existing position as a representative/authorised agent.

Under the money laundering laws we are obliged, in particular, to identify you, for example through your identity card, before we establish a business relationship and/or award the authorisation to represent/act as an agent. In the process we will collect and store your name, place of birth, date of birth, nationality, address and ID information. Pursuant to the money laundering laws you must provide us with the necessary information and documents and immediately notify us of any changes thereto during our business relationship so we can comply with the statutory provisions. If you do not provide us with the necessary information and documents, we are not permitted to establish or continue the business relationship requested by you and/or are not permitted to establish or continue the authorisation to represent/act as an agent requested by the respective party.

9. Do we apply an automated decision-making process?

Pursuant to Article 22 GDPR we do not generally apply a fully-automated decision-making process to establish and maintain the business relationship. If we do use said process in individual cases, we will inform you thereof as provided by law.

10. Do we conduct profiling?

A part of the data processing is done in an automated manner, aimed at evaluating certain personal aspects (profiling). We use profiling in the following instances, for example:

- we are obliged to fight money laundering and fraud under the applicable statutory provisions. In the course, we will evaluate your data. Said measures are also taken for your protection.
- we use scoring during the evaluation of your creditworthiness. In the course we calculate the probability of the customer meeting their payment obligations as agreed. The calculation can include, for example, data regarding sector, sales, expenditures, assets, outstanding debts, annual results, payment behaviour (e.g. account statements, balances), experience gained from previous business relations, contractual payment of previous loans and information provided by credit agencies (positive data, e.g. information on the application for, taking out of and repayment of loans; and negative data, e.g. information on on-going insolvency proceedings or dunning procedures and uncontested unpaid demands) and address information. Scoring is based on a mathematically and statistically recognised and proven calculation. The calculated scoring values support our decision-making process within the scope of contract conclusions and will be considered in the current risk management.

Information on your right to object under Article 21 European General Data Protection Regulation (GDPR)

1. Individual right to object

You have the right to object, on grounds relating to your particular situation, at any time, to the processing of your personal data which is based on Article 6 (1) (e) GDPR (data processing in the public interest) and Article 6 (1) (f) GDPR (data processing based on the balancing of interests), including profiling as defined by Article 4 (4) GDPR which is based on said provision.

If you submit an objection, we will no longer process your personal data unless we demonstrate compelling legitimate grounds for the processing, which override your interests, rights and freedoms, or the processing is aimed at the establishment, exercise or defence of legal claims.

2. Right to object the processing of data for the purpose of direct marketing

In individual cases we process your personal data to do direct marketing. You have the right to object, at any time, to the processing of your personal data for such marketing, which includes profiling to the extent that it is related to such direct marketing.

Where you object to processing for direct marketing purposes, we will no longer process your personal data for such purposes.

You may submit your objection in an informal manner. Please use the form available at (<https://www.wirecard.com/privacy-policy/form>) and send it to Wirecard Bank AG.