

## PRIVACY AND DATA PROTECTION NOTICE FOR THE ETHICS AREA

### 1. Groups of data subjects

OTP Bank Plc, as data controller (hereinafter: “**Bank**”) processes, in line with the provisions of Regulation (EU) 2016/679 of the European Parliament and the Council 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 (hereinafter: “**General Data Protection Regulation**”), and Act CXII of 2011 on the Right of Informational Self-Determination and the Freedom of Information (hereinafter: “**Data Protection Act**”) and other legislation:

- a) the personal data of private individuals filing whistleblowing reports; and
- b) of private individuals affected by whistleblowing reports (hereinafter together: “**Data Subject**”).

### 2. Groups of data processed

2.1. The Bank processes the following main groups of the Data Subject’s personal data:

- a) data provided by the notifier in the report, in particular the following:
  - any data necessary for personal identification,
  - any data necessary for communication,
  - any other fact or circumstance specified in the report that is relevant to the notifier or the person affected by the report, that is relevant for the purpose of investigating the whistleblowing report;
- b) photo or recorded image; and
- c) if the notifier makes a verbal whistleblowing report via the Call Centre, the voice recording made by the Bank.

2.2. The Bank may also collect the Data Subject’s personal data – in addition to the information provided by the Data Subject and, in particular, by the notifier – from the following sources:

- a) from registration systems containing data relevant to the Data Subject that are either public and/or accessible to anyone, subject to demonstration of their right or legitimate interest;
- b) from the registration system available to the Bank, containing the information required to investigate the relevant report.

2.3. No sensitive data are<sup>1</sup> processed in the ethics whistleblowing system.

### 3. Purposes of data processing

The Bank is operating a whistleblowing system which complies with the statutory requirements and also facilitates whistleblowing on the potential violation of the values specified in the Code of Ethics. The legal bases of the whistleblowing system are Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises (hereinafter: “**Credit Institutions Act**”) and Act CLXV of 2013 on Complaints and Public Interest Disclosures (hereinafter: “**Whistleblowing Act**”),

The Bank processes the Data Subject’s personal data **for the purpose of** operating the employer’s abuse system, including the reception and investigation of actual or suspected ethical misconduct or infringement and taking the necessary measures.

<sup>1</sup> Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data suitable for the unique identification of a natural person, health data or data concerning a natural person’s sex life or sexual orientation.

#### 4. Legal bases of processing

In the context of the data processing purpose described in section 3, the Bank processes, on the legal basis of compliance with legal obligations, the Data Subject's personal data that are necessary for operating the employer's abuse system, including the reception and investigation of actual or suspected ethical misconduct or infringement, and taking the necessary measures. In this case, the legal bases of data processing are section 116 of Credit Institutions Act and section 14; paragraph (3) of Whistleblowing Act.

#### 5. Period of data retention

The Bank stores the Data Subject's personal data for the periods determined in the Whistleblowing Act section 16; paragraphs (5) and (6) as follows:

- a) if the investigation reveals that the whistleblowing report is unfounded or no further action is necessary, for 60 (sixty) days following the closure of the investigation;
- b) if any action is taken on the basis of the investigation, including action for legal proceedings or disciplinary action against the notifier, until the final closure of the proceedings launched on the basis of the whistleblowing report.

#### 6. Data transfer

- 6.1. The Bank shall transfer the personal data of the notifier as Data Subject in compliance with the Whistleblowing Act in cases where it becomes clear that the notifier has disclosed false information of material importance in bad faith, and
  - a) it gives rise to an indication that a crime or an offence has been committed, to the body or person entitled to conduct proceedings;
  - b) there is reasonable suspicion that the notifier caused unlawful damage or other infringement to the rights of others, to the body or person entitled to initiate or conduct proceedings.
- 6.2. Any report concerning chief executives, senior executives and executive officers of an OTP Group entity established within the territory of the European Union or third countries, as well as any personal data related to the Data Subject provided in the report shall be transferred by the Bank, for the purposes of investigating the report, to the relevant OTP Group entity established within the territory of the European Union. The legal basis for the above data transfer is the legitimate interest of the Bank or of the relevant OTP Group entity regarding ethical business operation and the protection of ethical values. A list of the above domestic OTP Group entities is available here: <https://www.otpbank.hu/portal/hu/Rolunk/OTPCsoport>. Foreign entities affected by this data transfer are as follows: OTP Banka Slovensko, OTP banka Hrvatska, Splitska banka, OTP Bank Romania, DSK Bank.
- 6.3. The Bank may transfer personal data to other states, if it required by law or by the Bank's legitimate interest, based on the result of the interest assessment test. If the addressee of the transfer is classified as third countries, then one of the safeguards of Chapter V. of GRPD must be prevailed

#### 7. The Data Subject's rights

- 7.1. The Data Subject's rights related to data processing — including legal remedies — shall be governed by the provisions of the General Data Protection Regulation and the Data Protection Act.

- 7.2.** The Data Subject may request the Bank:
- a) to provide information on the processing of his personal data, including the requesting of a copy of their registered data (right of access);
  - b) to rectify any inaccurate personal data, and the Data Subject may contest the accuracy of any personal data registered (right to rectification);
  - c) to erase his registered personal data (right to erasure);
  - d) to restrict the processing of his personal data (right to restriction of processing);
  - e) to receive his personal data he has provided to the Bank and are processed in an electronic database, in a structured, commonly used and machine-readable format (right to data portability);
  - f) Data Subjects may object to the processing of their personal data, if the purpose of data processing is a legitimate interest of the controller or of a third party, or the performance of a task in the public interest or the fulfilment of a public function, in both cases including profiling (exercising the right to object);
  - g) if automated decision-making is applied, Data Subjects may request human intervention from the data controller and communicate their position;
  - h) Data Subjects may submit an objection against any decision made applying automated decision-making;
  - i) Data Subjects may lodge a complaint regarding the processing of personal data and the exercise of their rights under the General Data Protection Regulation.
- 7.3.** Before the Data Subject's request is granted, the Bank may request that the Data Subject specify the information or processing activities to which the request relates.
- 7.4.** The Bank shall inform the Data Subject of the measures taken on the request or objection as soon as possible, but no later than one month following the submission of the request (objection). If necessary, the above deadline may be extended by two further months, taking into account the complexity and number of requests.
- 7.5.** In the event of the Bank's reasonable doubt concerning the identity of the party filing a request under this section, the Bank may request to be provided with additional information in order to confirm the Data Subject's identity.
- 7.6.** Where the Bank is proved unable to identify the Data Subject, the Bank may decline the Data Subject's request.
- 7.7.** The Bank may charge a fee where the Data Subject's request is manifestly unfounded or excessive under the General Data Protection Regulation.

## **8. Right of access**

- 8.1.** Unless otherwise provided by the law or a mandatory legal act of the European Union, the Data Subject is entitled to become aware of all personal data that the Bank processes in relation to their person.
- 8.2.** At the Data Subject's request, the Bank shall also confirm whether it processes the Data Subject's personal data and, where that is the case, it shall provide the Data Subject with a copy of the personal data processed, and the following information:
- a) the purpose of data processing;
  - b) the categories of the personal data processed;
  - c) the recipients or categories of recipients to whom the Bank has disclosed or will disclose the Data Subject's personal data;

- d) the envisaged storage period of personal data, or, if the provision of this information is not possible, the criteria used to determine that period;
- e) information on the right to request from the Bank rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f) the right to file a complaint addressed to the National Authority for Data Protection and Freedom of Information;
- g) in respect of personal data that has not been provided by the Data Subject, information about the source from which the personal data originate;
- h) if the Bank will also process the Data Subject's personal data for the purpose of automated decision-making, the logic applied by the Bank, as well as information about the significance and the envisaged consequences of such processing for the Data Subject;
- i) information on any guarantees provided to ensure appropriate protection of the Data Subject's personal data in the event of transfer to a third country or to an international organization.

**8.3.** Where the Data Subject requests multiple copies of the above information, the Bank may charge a reasonable fee for the additional copies in proportion with the administrative costs involved.

**8.4.** Where the Data Subject's right to obtain information (right of access) under this section would adversely affect the rights and freedoms of others, in particular trade secrets or intellectual property, the Bank may refuse to fulfil the Data Subject's request.

## **9. Right to rectification**

At the Data Subject's request, the Bank shall rectify or complete any inaccurate or incomplete personal data concerning the Data Subject. After granting the Data Subject's request for the enforcement of his right to rectification, the Bank shall immediately inform the persons to whom the Data Subject's personal data have been disclosed, unless this proves impossible or involves disproportionate effort for the Bank.

## **10. Right to erasure**

**10.1.** The Data Subject shall be entitled to initiate the erasure of personal data concerning him in the following cases:

- a) the personal data are no longer necessary for the purposes they were collected or otherwise processed by the Bank;
- b) the Data Subject withdraws the consent granted, and no other legal basis exists for processing by the Bank;
- c) the Data Subject objects to the processing, and there are no overriding legitimate reasons for the processing;
- d) the Bank has processed the Data Subject's personal data unlawfully;
- e) the Bank is required to erase the personal data in order to comply with an obligation imposed on the Bank by the law or a mandatory legal act of the European Union; or
- f) the personal data have been collected in relation to services offered to children in relation to the information society.

**10.2.** Where the Bank has previously disclosed the personal data of the Data Subject and has an obligation to erase it, the Bank shall take all reasonable steps – including the implementation of technical measures – that are necessary in order to ensure that those data controllers that obtained the Data Subject's personal data as a result of their public disclosure are also notified of the mandatory erasure of the personal data. In its notice, the Bank is obliged to notify all other data controllers that the Data Subject has requested that all the links to the Data Subject's personal data or the copies and duplicates of such personal data be erased.

- 10.3.** After granting the Data Subject's request for the enforcement of his right to erasure, the Bank shall immediately inform the persons to whom the Data Subject's personal data have been disclosed, unless this proves impossible or involves disproportionate effort for the Bank.
- 10.4.** The Bank shall be under no obligation to erase personal data where processing is required:
- in order to comply with a personal data processing obligation imposed on the Bank by the law or a mandatory legal act of the European Union;
  - for the performance of a task carried out in the public interest;
  - for the purpose of archiving documents of enduring value, scientific or historical research purposes or statistical purposes in so far as the exercise of the Data Subject's right to be forgotten is likely to render impossible or seriously compromise that processing;
  - for the submission, enforcement or defence of legal claims.

## **11. Right to restriction of processing**

- 11.1.** The Data Subject shall be entitled to obtain from the Bank a restriction of processing where any of the following applies:
- the accuracy of the personal data is contested by the Data Subject, for a period enabling the Bank to verify the accuracy of the personal data;
  - the processing is unlawful and the Data Subject opposes the erasure of the personal data and requests the restriction of their use instead;
  - the Bank no longer needs the personal data for the purposes of the processing, but they are required by the Data Subject for the submission, enforcement or defence of legal claims;
  - the Data Subject has objected to processing, pending verification whether the legitimate grounds of the Bank override those of the Data Subject.
- 11.2.** If processing has been restricted under the foregoing, such personal data shall, with the exception of storage, only be processed with the Data Subject's consent or for the submission, enforcement or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the European Union or of a Member State.
- 11.3.** The Data Subject shall be informed by the Bank before the restriction of processing is lifted.
- 11.4.** After granting the Data Subject's request for the enforcement of his right to the restriction of processing, the Bank shall immediately inform the persons to whom the Data Subject's personal data have been disclosed, unless this proves impossible or involves disproportionate effort for the Bank.

## **12. Right to object**

If, according to the provisions of the Privacy Notice, processing is necessary for the purposes of the legitimate interests pursued by the Bank or by a third party, the Data Subject may object to their personal data being processed for those purposes. The Bank shall no longer process personal data for such purposes and shall erase the personal data unless it can demonstrate compelling legitimate grounds for the processing that override the interests, rights and freedoms of the Data Subject as referred to in the Data Subject's objection mentioned above, or for the submission, enforcement or defence of legal claims.

### **13. Right to data portability**

- 13.1.** The Data Subject may request that their personal data provided to the Bank be made available to them by the Bank in a structured, commonly used and machine-readable format. The Data Subject may exercise their right to data portability in relation to those data items,
- a) that are processed by the Bank with the Data Subject's consent, or
  - b) the processing of which is necessary for the performance of a contract concluded between the Data Subject and the Bank, to which the data subject is party, or in order to take steps at the request of the data subject prior to entering into a contract.
- 13.2.** Where otherwise technically feasible, at the Data Subject's request the Bank shall transfer the above personal data directly to another controller as specified in the Data Subject's request. The right to data portability under the above section shall not give rise to any obligation for the Bank and another controller to implement or maintain processing systems that are technically compatible with one another. Where the Data Subject's right to data portability would adversely affect the rights and freedoms of others, in particular trade secrets or intellectual property, the Bank may refuse to fulfil the Data Subject's request.

### **14. Legal remedy**

- 14.1.** The Data Subject may contact the Bank's Data Protection Officer (see point 15 of this notice) with questions, objections or complaints related to the data processing performed by the Bank.
- 14.2.** Where the Data Subject considers that his rights under the effective privacy laws, as applicable at that time, have been violated, the Data Subject may lodge a complaint with the National Authority for Data Protection and Freedom of Information (NAIH).
- 14.3.** Contact details of the National Authority for Data Protection and Freedom of Information:  
Website: <http://naih.hu/>;  
Address: 1055 Budapest, Falk Miksa utca 9-11.;  
Postal address: 1363 Budapest, Pf.: 9.  
Telephone: +36 1 391 1400;  
Fax: +36 1 391 1410  
E-mail: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu)
- 14.4.** The Data Subject may also seek judicial remedy. The litigation procedure falls within the jurisdiction of the competent tribunal, which in this case is the Metropolitan Court of Budapest. The action may also be brought at the regional court in whose jurisdiction the Data Subject's home address or temporary address is located (see <http://birosag.hu/torvenyszekek>).
- 14.5.** Additionally, the Data Subject may also engage a nonprofit organisation or association, which was established under Hungarian law and whose objectives, as set out in its statutes, include the service of the public interest, and the defence of the rights and freedoms of Data Subjects in terms of personal data, for filing a complaint on behalf of the Data Subject, representing the Data Subject in court proceedings, and – if permitted by law – enforcing claims for damages on the Data Subject's behalf.

## 15. Tasks of the data controller and the data protection officer

Identity and contact details of the data controller and of the data protection officer:

Data controller's name: OTP Bank Plc.

Registered office: H-1051 Budapest, Nádor utca 16.

Postal address: OTP Bank Plc., 1876 Budapest

Email: [informacio@otpbank.hu](mailto:informacio@otpbank.hu)

Phone number: (+36 1/20/30/70) 3 666 666

Website: [www.otpbank.hu](http://www.otpbank.hu)

Details of the data controller's data protection officer:

Name: Zoárd Gázmár

Postal address: 1131 Budapest, Babér u. 9.

E-mail: [adatvedelem@otpbank.hu](mailto:adatvedelem@otpbank.hu)