

Information on the processing and protection of personal data / Privacy Notice

The proper processing of your personal data is just as much of a priority for our company as the proper provision of investment services and activities. This document provides you with information primarily on how we handle your personal data, what rights you have in relation to the processing of your personal data, as well as further information regarding the processing of personal data.

Information on the processing and protection of personal data

1. **About us – the data controller and how to contact us**
2. **What personal data we process**
3. **For what purposes do we process your personal data and what is the legal basis for processing personal data**
4. **The period for which we process your personal data**
5. **The sources from which personal data is obtained**
6. **Where your personal data is transferred**
7. **What rights you have in relation to the processing of personal data**
8. **The right to withdraw consent to the processing of personal data**
9. **The existence of automated decision-making and profiling**
10. **Legal framework**

1. About us – the data controller, the data protection officer and how to contact us

contact us

The data controller is **CAPITAL MARKETS, o.c.p., a.s.**, Company ID No.: 36 853 054, with its registered office at Slávičie údolie 106, 811 02 Bratislava, registered in the Commercial Register of the Municipal Court Bratislava III, Section Sa, File No. 4295/B (hereinafter also referred to as the “Company”). If you have any questions regarding the processing of your personal data, including the exercise of your rights as a data subject (note: a data subject is any natural person whose personal data is being processed), you may contact us either directly by telephone on +421 2 210 099 86 or in writing at the email address compliance@capitalmarkets.sk or at the Company’s registered office as recorded in the Commercial Register.

The Data Protection Officer is the employee responsible for compliance. You can contact the Data Protection Officer via the contact channels listed above.

2. What personal data do we process

We process only such personal data as is necessary to provide you with professional services, with the scope of personal data determined by generally binding legal regulations. If we process your data on the basis of your consent, the list or scope of data is specified directly in the consent.

We process the following categories of personal data in particular:

Identification and contact details: in particular, first name, surname, residential address, correspondence address, national identity number (if assigned), date of birth, place of birth,

nationality, type and number of identity document (), validity of identity document, record of restricted legal capacity, contact telephone number, email address, specimen signature, whether the potential client/client is

a politically exposed person/sanctioned person, tax residence, or any other personal data the processing of which is required by specific legislation.

Where a legal act is performed on the basis of a power of attorney, the Company also processes the personal data of the authorised representative to the same extent as in the case of a client who is a natural person. The above also applies in the case of representation by a legal guardian in relation to a legal act performed by a child, in which case the personal data of that legal guardian is also processed. The purpose of this processing is, in particular, the identification and verification of the identity of clients and their representatives, the conclusion of contractual relationships, and the performance of contracts and obligations in connection with the provision of investment services, investment activities and ancillary services.

For the purpose of preventing and detecting criminal offences, the Company may also process the personal data of the ultimate beneficial owner or the person who owns the funds to be used in the transaction, or the person in whose name or on whose behalf the transaction is carried out.

Socio-demographic data: enabling us to offer you financial products and services tailored to your needs, such as age, education, occupation, marital status, income and expenditure.

Geolocation data: IP addresses

Transaction data: information on payments, both one-off and recurring, and IBAN bank details

Records of telephone calls, electronic communications and other interactions with you: records for the purpose of quality improvement, as well as records for which the retention obligation arises from Act No. 566/2001 Coll. on Securities and Investment Services and on Amendments to Certain Acts and Commission Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council (MiFID II) as regards organisational requirements and operating conditions for investment firms, as well as defined terms for the purposes of that Directive.

The list and scope of personal data processed by the Company are determined by specific regulations, in particular Act No. 566/2001 Coll. on Securities and Investment Services and on Amendments to Certain Acts, as amended (hereinafter also referred to as the “Securities Act”), Act No. 297/2008 Coll. on the prevention of money laundering and terrorist financing and amending certain acts, as amended, Act No. 186/2009 Coll. on Financial Intermediation and Financial Advisory Services and on amendments to certain regulations, as amended (hereinafter also referred to as the “ZFSFP”), Act No. 595/2003 Coll. on Income Tax, as amended, Act No. 431/2002 Coll. on Accounting, as amended, Act No. 359/2015 Coll. on the automatic exchange of information and financial accounts for tax administration purposes and amending certain acts, as amended, on the basis of which personal data is processed **without the consent of the data subject** (e.g. a potential client/client).

3. For what purposes do we process your personal data and what is the legal basis for the processing of personal data

We process your personal data in accordance with the principle of data minimisation to the extent necessary, with most processing being justified by the fact that we need this data to provide the requested investment product or investment service.

Legal basis: The Company collects and processes the personal data provided as a data controller in accordance with Regulation (EU) [2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and with Section 13 of Act No. 18/2018 Coll. on the protection of personal data and amending certain acts, as amended (hereinafter also “ZoOOÚ”) (in particular Section 13(1)(a), (b), (c) and (f)) as well as in accordance with the provisions of specific laws.

Processing without the data subject’s consent

Purposes of processing based on the legal basis set out in Section 13(1)(b) of the ZoOOÚ –

“the processing of personal data is necessary for the performance of a contract to which the data subject is a party, or for the implementation of pre-contractual measures taken at the data subject’s request”

The Company is entitled to process a client’s personal data without the client’s consent if this is necessary for the performance of a contract to which the client is a party, or in pre-contractual relations for the implementation of measures prior to the conclusion of a contract at the request of the data subject. At the same time, in connection with the conclusion of a contractual relationship or the execution of a transaction, the Company is entitled to obtain personal data by copying, scanning or otherwise recording from an identity document on the basis of specific laws (for example, Section 73a of the Consumer Protection Act). Without this data, we would be unable to enter into a contract with you and fulfil the obligations and rights arising therefrom. We therefore collect your data for the purpose of concluding, recording and managing contracts and transactions, as well as instructions.

Refusal to provide personal data within the meaning of this legal basis may result in the contract not being concluded and the inability to provide the service or product, or other consequences as provided for by law.

Purposes of processing based on the legal basis set out in Section 13(1)(c) of the Personal Data Protection Act –

“the processing of personal data is necessary under a specific regulation or an international treaty to which the Slovak Republic is bound”

As a securities dealer, we have a number of obligations imposed on us by specific legislation. We therefore also process your data in cases where this obligation is imposed on us by specific legislation, in particular, but not exclusively:

- Act No. 566/2001 Coll. on Securities and Investment Services and on Amendments to Certain Acts,
- Act No. 297/2008 Coll. on the prevention of money laundering and terrorist financing and amending certain acts, as amended,
- Act No. 595/2003 Coll. on Income Tax, as amended,

- Act No. 359/2015 Coll. on the automatic exchange of information and financial accounts for tax administration purposes and amending certain acts
- Act No. 431/2002 Coll. on Accounting
- Act No. 186/2009 Coll. on Financial Intermediation and Financial Advisory Services and on amendments to certain acts
- Act No. 395/2002 Coll. on archives and registries and amending certain acts
- Regulation 2017/565 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms, as well as defined terms for the purposes of that Directive
- Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments (known as MiFID II)
- Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments (known as MiFIR)
- The Foreign Account Tax Compliance Act (FATCA)
- measures of the National Bank of Slovakia

The purpose of processing under specific laws is, in particular:

i) opening an account and providing other services requested by clients ii) concluding, execution and subsequent monitoring of transactions between the Company and clients, for the purpose of identifying clients and their representatives, for the purpose of protecting and enforcing the Company's rights vis-à-vis clients, for the purpose of documenting the Company's activities, for the purposes of supervision and for the fulfilment of the Company's tasks and obligations under the ZoCP in accordance with Sections 73a and 75, iii) exercising due diligence in relation to the client and for the purposes of detecting unusual business transactions within the meaning of Sections 10 and 19 of Act No. 297/2008 Coll. on the Prevention of Money Laundering, and iv) the provision of information on financial accounts for the purpose of the correct assessment of tax liability within the meaning of Section 19 of Act No. 359/2015 Coll. on the automatic exchange of information on financial accounts for tax administration purposes and amending certain acts, v) the exchange of information relating to intermediated financial services between a financial agent and the Company within the meaning of the ZFSFP.

Our Company may also process personal data on the basis of a directly applicable legally binding act of the European Union, an international treaty to which the Slovak Republic is bound, or on the basis of the provisions of a specific law, or on the basis of the client's consent as the data subject to the processing of their personal data.

In order for us to fulfil our legal obligations, you are required to provide us with the requested information and documents and to notify us of any changes. Without this information and these documents, we are not authorised to provide you with the requested investment services.

The purpose of processing on the legal basis set out in Section 13(1)(f) of the Personal Data Protection Act

“the processing of personal data is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data”

The Company’s legitimate interests include, for example, informing you about matters relating to the service provided, offering you the Company’s services and products, defending legal claims, litigation and out-of-court debt recovery, statistical purposes, internal reporting, etc.

The purpose therefore also includes marketing activities, i.e. – the provision and sending of advertising, promotional and marketing materials for the purpose of gauging interest in the field of investment, including telephone communication and the sending of emails (including text messages).

Before processing personal data on this legal basis, the Company takes into account whether its legitimate interests do not override the interests and rights of the data subject, or whether they are in balance, whether its purpose is legitimate, and whether processing on this legal basis is necessary. Furthermore, the Company takes into account the reasonable expectations of data subjects as to whether they can expect the Company to process their personal data.

The processing of personal data for this purpose is limited to the duration of the contractual relationship or the

expiry of the limitation or prescription periods arising from this contractual relationship.

In the event that there is no contractual relationship between the Company and the client, the Company will process personal data for the period strictly necessary, provided that the legal conditions for a legitimate interest are met, or for a maximum period of 1 year from the date of processing of the personal data, or until the client exercises their right to object to such processing of personal data, whichever occurs first.

The Client’s consent is not required for processing within the meaning of this point. The Client has the right to object to such processing, resulting in the Company restricting the processing; in the case of marketing, an objection means the cessation of the processing of personal data for this purpose.

Processing with the data subject’s consent

The purpose of processing on the legal basis set out in Section 13(1)(a) of the Personal Data Protection Act

“the data subject has given consent to the processing of their personal data for at least one specific purpose”

Unless the Client’s personal data is processed on the basis of the above-mentioned grounds (or other grounds in accordance with the Personal Data Protection Act, e.g. it is necessary to protect the client’s property), we process personal data only on the basis of your consent, to the extent and for the purpose specified in the consent. The consent given is voluntary and may be withdrawn at any time. Withdrawal of consent does not affect the lawfulness of the data processed prior to its withdrawal. The processing period is specified directly in the consent.

4. The period for which we process your personal data

We retain your personal data for the duration of your contract with the Company. Following the termination of the contractual relationship and the settlement of all obligations arising from or related to the contract, we retain your personal data for as long as is strictly necessary, for a

maximum period of up to 10 years (or for a longer period as required by applicable legislation). Where consent has been given, personal data may be processed for the period for which consent was granted.

The retention period for personal data is derived primarily from the laws listed in point 3, based on the legal basis set out in Section 13(1)(c) of the Personal Data Protection Act, as follows:

- Act No. 566/2001 Coll. on Securities and Investment Services and on Amendments to Certain Acts – pursuant to Section 73a - for at least 10 years from the conclusion of the transaction, pursuant to Section 75(5) – for 5 years and, at the request of the National Bank of Slovakia, for 7 years, and pursuant to Section 75(8) from the start of long-term investment savings until the expiry of the limitation period for the right to assess tax,
 - Act No. 297/2008 Coll. on the prevention of money laundering and terrorist financing and amending certain acts, as amended
- pursuant to Section 19(2) for 5 years from the termination of the contractual relationship; pursuant to Section 19(3) for longer than 5 years; and, if requested by the financial intelligence unit, for a further 5 years (but not exceeding 10 years in total),
- Act No. 595/2003 Coll. on Income Tax, as amended – in accordance with the time limits specified in Sections 39 and 40 of this Act, depending on the tax period
 - Act No. 359/2015 Coll. on the automatic exchange of information and financial accounts for tax administration purposes and amending certain acts – in accordance with Section 19(3) of this Act – 10 years from the end of the calendar year in which the data was reported in accordance with the Act or FATCA,
 - Act No. 431/2002 Coll. on Accounting – pursuant to Section 35(3) of this Act – 10 years after the year to which the documentation relates
 - Act No. 186/2009 Coll. on Financial Intermediation and Financial Advisory Services and on Amendments to Certain Acts – a financial agent for at least 10 years from the commencement of the contract for the provision of financial services,
 - Act No. 395/2002 Coll. on archives and registries and amending certain acts – 10 years following the year to which the documents relate; the NBS may also specify a longer period (the above also applies to the Company's employees),
 - Regulation (EU) 2017/565 – in accordance with Article 73, for at least the duration of the client relationship; in accordance with Article 76(8), for 5 years; at the request of the competent authorities, for 7 years;
 - Regulation (EU) No 600/2014 – pursuant to Article 25(1) – data on all orders and transactions for 5 years.

5. Sources of personal data

We obtain personal data directly from you, e.g. data you provide in the client agreement, investment questionnaire, declarations of honour, power of attorney, from publicly available sources, registers

and records, lists or websites (e.g. the Commercial Register, Trade Register, Professional Register, www.zlatestranky.sk, www.zoznam.sk, via the 1181 helpline, etc.)

6. Where your personal data goes

We will provide your personal data to third parties or recipients if we are required to do so by a specific law, a directly applicable legally binding act of the European Union, or an international treaty to which the Slovak Republic is bound, or if you have given your consent to such processing, or if they are our data processors. Your personal data may be subject to cross-border transfer to countries within the European Union; see below.

Data processors*

In connection with the provision of investment services, activities and ancillary services relating to financial instruments, our Company uses the services of contractual partners. We have concluded a personal data processing agreement with such entities, under which they process your personal data on behalf of the Company and which sets out their obligation to provide material and technical safeguards, including compliance with personal data protection rules and any penalties for breaches thereof. Processors are obliged to inform us immediately of any breaches of security concerning the personal data being processed. These include, in particular, IT companies, law firms, consultancy firms, as well as financial agents with whom we have concluded a financial intermediation agreement within the meaning of the ZFSFP. The list of intermediaries is regularly updated and is available on the Company's website www.capitalmarkets.sk/mifid.

Third parties

Your personal data may be disclosed to third parties or recipients if we are required to do so by a specific law, a directly applicable legally binding act of the European Union, or an international treaty to which the Slovak Republic is bound, or if you have given your consent to such disclosure.

Third parties include:

- Public authorities and state institutions: e.g. The Financial Intelligence Unit, state administration bodies, law enforcement authorities, courts, bailiffs, insolvency practitioners, notaries, liquidators, supervisory authorities – the Office for Personal Data Protection, the National Bank of Slovakia, the Supreme Audit Office, the Financial Administration of the Slovak Republic, the Ministry of Finance of the Slovak Republic, the Social Insurance Agency, etc.,
- Financial services providers and credit institutions for the purpose of performing a contractual relationship with you: e.g. banks and branches of foreign banks or custodians, the Central Securities Depository, etc.

Cross-border transfer of personal data

Personal data may be subject to cross-border transfer to countries within the European Union (e.g. to countries where we carry out activities on the basis of a cross-border notification or through a branch of the Company), as well as to countries that provide an adequate level of protection, in accordance with the provisions of the relevant legislation.

a) The transfer of personal data outside the European Union (to third countries or an international organisation) takes place in the following cases:

- where it is necessary for the purpose of carrying out your instructions or fulfilling relevant contractual obligations (e.g. payment instructions or instructions for the transfer/movement of financial instruments), - where required by specific legislation or an international treaty, or - where you have given us your consent.

7. What rights do you have in relation to the processing of personal data

You may exercise the following rights in relation to the processing of your personal data:

Information on the processing of personal data

The information includes, in particular, the identity and contact details of the controller, their representative and, where applicable, the data protection officer, the categories of personal data concerned, the purposes of processing and the legal basis for processing, information on the rights of data subjects, the recipient or categories of recipients of personal data, information on the transfer of personal data to third countries, the retention period for personal data, authorised processors, the option to contact the Office for Personal Data Protection, the source of the personal data being processed, and information on the existence of automated decision-making and profiling.

Request access to personal data

You have the right to request whether or not personal data concerning you is being processed and, if so, you have the right to access this personal data as well as information regarding the purposes of processing, the categories of personal data concerned, the recipients or categories of recipients, the period for which the personal data will be stored or the criteria used to determine that period, the existence of the right to request from the controller the rectification or erasure of personal data or the restriction of processing, or the right to object to such processing, the right to lodge a complaint with the Office for Personal Data Protection, information on the source of the personal data, information on whether automated decision-making and profiling take place, and information and safeguards in the event of a transfer of personal data to a third country or an international organisation. You have the right to receive copies of the personal data being processed. We are entitled to charge a reasonable fee to cover administrative costs for any further copies you request.

Right to rectification

You have the right to have us rectify your inaccurate or out-of-date personal data and to have incomplete personal data completed. Therefore, if you have changed your contact details, for example, please inform us and we will rectify your personal data.

At the same time, we are obliged to keep accurate and up-to-date data about you. It is therefore important that you inform us immediately of any changes to your details and provide us with evidence of the relevant changes.

Right to erasure (the 'right to be forgotten')

In certain cases specified by law, we are obliged to erase your personal data at your request.

In such cases, we are obliged to assess whether the conditions required by law for erasure have been met, as in certain cases specified by law we are obliged to retain and archive your data for the period prescribed by law, even if you request that the relevant data be erased.

Right to restriction of processing

In cases provided for by law, you have the right to request that we restrict the processing of your personal data and process it solely for the most essential legal reasons, or you may request that we block the processing of personal data for the period specified by law.

Right to data portability

You have the right to request that we provide your personal data to another controller or another company, provided this is technically feasible. Unless prevented by any legal or other significant obstacles, we will transfer your personal data in an appropriate format to the third party of your choice.

Right to object to data processing, automated individual decision-making (including profiling)

If you believe that we are processing your personal data in breach of the law, please contact us; we will be happy to provide an explanation or take the necessary corrective action. You have the right to object to the processing of your data for direct marketing purposes.

You may also object directly to automated decision-making, including profiling, where permitted by applicable legislation.

Right to lodge a complaint

You may at any time refer your suggestion or complaint regarding the processing of personal data by our Company to the supervisory authority, which is the Office for Personal Data Protection of the Slovak Republic, with its registered office at Hraničná 12, 820 07 Bratislava 27, i.e. to initiate proceedings under Section 100 of the Personal Data Protection Act.

Contact details for exercising your rights vis-à-vis the Company

You may exercise your rights vis-à-vis the Company regarding the processing of your personal data either directly by telephone on +421 2 210 099 86, in writing by email to compliance@capitalmarkets.sk, or at the Company's registered office as specified in the Commercial Register. We will provide you with a response as soon as possible, but no later than one month from receipt of your request. This period may be extended by a further two months if necessary, taking into account the complexity and number of requests. We will inform you of any extension, including the reasons for it.

8. Right to withdraw consent to the processing of personal data

Consent to the processing of personal data is based on the principle of voluntariness and you may withdraw it at any time. Withdrawal of consent does not affect the lawfulness of the processing of data prior to its withdrawal.

You may withdraw your consent by calling +421 2 210 099 86 or in writing to the email address compliance@capitalmarkets.sk or to the Company's registered office as specified in the Commercial Register. Please state the following in your withdrawal of consent:

- who is submitting the withdrawal, including in particular your first name, surname and residential address, so that we can identify you.

Only the processing of personal data that the Company processes on the basis of consent may be withdrawn or restricted, i.e. not where the processing of personal data is a necessary prerequisite for the performance of a contract to which the data subject is a party, or not where the processing of personal data by the Company arises from specific legislation.

9. The existence of automated decision-making and profiling

In connection with the conclusion and existence of a business relationship, we generally do not use automated individual decision-making or profiling. If we do use such decision-making/profiling in individual cases, we will inform you to the extent required by the relevant legislation. The company is authorised to carry out profiling for the purpose of detecting unusual business transactions in accordance with Section 13(1)(c) of the Personal Data Protection Act. Such processing of personal data cannot be legitimately objected to or restricted by the client.

10. Legal framework

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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 (General Data Protection Regulation, GDPR).
- Act No. 18/2018 Coll. on the protection of personal data and amending certain acts, as amended.