

## **PRIVACY AND DATA PROTECTION NOTICE FOR BORROWERS OF SECURED LOANS I.E. FOR GUARANTORS AND JOINT GUARANTORS**

### **1. Groups of data subjects**

By virtue of the Law on the Protection of Financial Services Consumers,, Law on Contracts and Torts, Law on Mortgage, Law on Personal Data Protection of the Republic of Serbia (hereinafter referred to as: **Law**), decisions regulating banks' credit activity and risk and capital management (hereinafter referred to as: NBS Decision) and other regulations, OTP banka Srbija a.d. Novi Sad, as Data Controller (hereinafter referred to as: "**Bank**") will process data on natural persons - users and joint debtors for secured loans (hereinafter referred to as: **Data Subject**), as well as other data for the purpose of granting such loan types and contract conclusion.

### **2. Groups of data to be processed**

The Bank processes the following main groups of the Data Subject's personal data:

- a) Personal data of borrower / joint borrower/guarantor- name, surname, UPIN, data from identification document;
- b) contact data of borrower / joint borrower/guarantor - e-mail, telephone number, residence address;
- c) borrower's/ joint borrower/guarantor's financial data - data on earnings, on other accounts and obligations, data from the Credit Bureau, account number, sub-account number, Client ID;
- d) sensitive data of the borrower/ joint borrower/guarantor - disability, medical status, details of minor children
- e) other data of the borrower/ joint borrower/guarantor - education, work position, marital status, number of household members, details of earlier work experience, additional income and lease amount, family earnings (employment and earnings of family members).

### **3. Purpose of Data Processing**

The Bank processes personal data for the purpose of approval, conclusion and exercising of rights and obligations under the secured loan agreement.

### **4. Legal basis of data processing and transfer**

Processing is necessary for the performance of contract on housing loan concluded with the data subject and for taking actions, at the request of the data subject, prior to the conclusion of such contract, in accordance with Article 12, paragraph 1, Item 2 of the Law on Personal Data Protection.

In order to realise the data processing purpose as described in Item 3, Data Subject's personal data shall be processed and transferred, thus the Bank, depending on the type of secured loan, will forward data collected on the Data Subject to the Credit Bureau, the National Bank of Serbia, members of the banking group which the Bank belongs to, competent ministries of the Republic of Serbia, competent authorities of the Republic of Serbia, appraisers insurance companies and to the Parent Bank, by virtue of the NBS Decision and laws stated in Item 1 hereof.

These personal data may also be provided to persons with whom the Bank has a contractual relationship, service providers and persons engaged by the Bank who, due to the nature of the work they perform, have access to personal data ("processors"). All persons who process personal data with the Bank or for the Bank are obliged to protect such personal data in accordance with the Law and contracts harmonized with the Law.

The Bank has no intention of transferring personal data to another country or international organization, except to the parent bank.

### **5. Period of data retention**

The Bank stores the Data Subject's personal data for a period of 10 years upon agreement termination.

### **6. Rights of Data Subjects**

The Data Subject's rights in terms of personal data processing, including the right to legal remedy, are governed by the provisions of the Law.

The Data Subject may request the Bank:

- a) To provide information on the processing of personal data, including requiring a copy of registered data (right of access);
- b) To rectify any inaccurate personal data without any undue delay. Depending on the purpose of processing, the Data Subject is entitled to supplement his/her incomplete personal data, which also includes giving of additional statement;
- c) To erase his/her personal data (right to erasure);
- d) To restrict the processing of his/her personal data (right to restriction of processing);
- e) To receive from the Bank his/her personal data previously provided to the Bank in a structured, commonly used and electronically-readable format (right to data portability);
- f) To object to the processing of his/her personal data, if the purpose of data processing is a legitimate interest of the Bank or of a third party, or the performance of a task in the public interest or the fulfilment of Bank's authorisations as prescribed by Law, in both cases including profiling (exercising the right to object);
- g) If automated decision-making is applied, Data Subjects are entitled to request human intervention under Bank's control in the decision-making, thus communicate their position in respect of the decision;
- h) To dispute the decision before an authorised person of the Bank;
- i) To lodge a complaint regarding the processing of personal data to the Commissioner for Information of Public Importance and Personal Data Protection (hereinafter: "**the Commissioner**"), and the exercise of their rights under the Law.

Before the Data Subject's request is granted, the Bank may request that the Subject to provide additional information or processing activities which the request refers to.

The Bank shall inform the Data Subject of the measures taken on the request or objection as soon as possible, but no later than 30 (thirty) days following the submission of the request (objection). If necessary, the above deadline may be extended by 60 (sixty) days further, taking into account the complexity and number of requests.

In the event of the Bank's 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, with leaving an additional deadline to act under the request for data supplementation, but no longer than 5 business days.

Should the Bank not receive all data required for identification of the Data Subject, i.e. the request is not supplemented, the Bank shall reach the decision to dismiss the request as incomplete, and if possible (if the Data Subject has left contact details), it shall notify the Data Subject of not considering his/her request with explanation.

The Bank may charge necessary administrative costs of providing information, i.e. acting upon the request, and refuse to act upon the request of the Data Subject, in case the request of the Data Subject is obviously unfounded or excessive, especially if the same request is frequently repeated, in accordance with the Law.

## 7. Right of access

Unless otherwise provided by the Law, Data Subjects are entitled to become aware of all personal data that the Bank processes in relation to their person.

At the Data Subject's request, the Bank shall also confirm whether it processes the Data Subject's personal data and provide the Data Subject access to such data, and the following information:

- a) the purpose of data processing;
- b) the types of personal data processed;
- c) the recipients or categories of recipients to whom personal data have been disclosed or will be disclosed, and in particular recipients in other states or international organisations;
- d) the planned personal data retention period, or if this is not possible, the criteria for determining that period;
- e) the existence of the right to request from the Controller to rectify or delete personal data, the right to restrict processing and the right to object to processing;
- f) the right of lodging a complaint to the Commissioner;
- g) Information available on the source of personal data, if data have not been collected from the Data Subject; the existence of automated decision-making process, including profiling, and at least in such cases, meaningful information on the logic used, as well as on the significance and expected consequences of that processing for the Data Subject.

The Bank may request reimbursement of the necessary costs for making additional copies requested by the Data Subject.

In the event when the right of the Data Subject to obtain information (right of access) under this Section adversely affects the rights and freedoms of others, in particular business secrets or intellectual property, the Bank may deny the request of the Data Subject.

## 8. Right to rectification

The Data Subject is entitled to rectification of his/her inaccurate data without any undue delay. Depending on the purpose of processing, the Data Subject is entitled to supplement his/her incomplete personal data, which also includes giving of additional statement. The Bank is obliged to inform all recipients to whom personal data have been disclosed on any rectification of personal data, unless this proves impossible or requires excessive time and resources. At the request of the Data Subject the Bank shall inform the Data Subject on all recipients.

## 9. Right to Erasure

The Data Subject shall be entitled to initiate the erasure of personal data concerning him/her in the following cases:

- a) the personal data are no longer necessary for the purposes they were collected or otherwise processed;
- b) the Data Subject withdraws the consent granted, by virtue of which processing was performed, and no other legal basis exists for processing;
- c) the Data Subject objects to the processing, and there is no other legal basis for the processing overriding legitimate reasons, rights or freedoms of Data Subject;
- d) Data Subject's personal data were unlawfully processed;
- e) Personal data must be erased in order to comply with an obligation imposed on the Controller by Law;
- f) The personal data have been collected in relation to using services of information society.

Where the Bank has previously disclosed the personal data of the Data Subject and has an obligation to erase thereof, the Bank shall take all reasonable measures, including the implementation of technical measures, that are necessary in order to inform those data controllers that obtained the Data Subject's personal data, of the mandatory erasure of such 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.

After granting the Data Subject's request for the enforcement of the right to erasure, the Bank shall inform all recipients to whom the Data Subject's personal data have been disclosed of each single erasure of personal data, unless this proves impossible or involves excessive time and resources. At the request of the Data Subject the Bank shall inform the Data Subject on all recipients.

The Bank shall be under no obligation to erase personal data to the extent in which processing is required due to:

- a) exercising freedom of expression and information;
- b) complying with the statutory obligation of the Bank requiring processing or execution of tasks in the public interest or performance of Controller's official duties;
- c) the realization of public interest in the area of public health;
- d) for the purpose of archiving in the public interest, scientific or historical research as well as statistical purposes, and it is reasonably expected that the exercise of this right could prevent or significantly jeopardize realisation of objectives of that purpose;
- e) for the submission, enforcement or defence of legal claims.

## 10. Right to restriction of processing

The Data Subject shall be entitled to restriction of processing by the Bank where any of the following applies:

- a) 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;
- b) the processing is unlawful and the Data Subject opposes the erasure of the personal data and requests the restriction of their use instead;
- c) 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;
- d) the Data Subject has objected to processing, pending verification whether the legitimate grounds of the Bank override those of the Data Subject.

If processing has been restricted, such personal data may be further processed only with the Data Subject's consent, with the exception of storage thereof or for the submission, enforcement or defence of legal claims or for the protection of the rights of another natural persons, i.e. legal entities or for reasons of important public interest.

The Data Subject shall be informed by the Bank before the restriction of processing is lifted.

After granting the Data Subject's request, the Bank shall inform all recipients to whom the Data Subject's personal data have been disclosed of the processing restriction thereof, unless this proves impossible or involves excessive time and resources. At the request of the Data Subject the Bank shall inform the Data Subject on all recipients.

## 11. Right to object

If, according to the provisions of the Information for the data applicant, the data 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 of the person who objected, unless it can demonstrate legitimate grounds for the processing that override the interests, rights and freedoms of the Data Subject, or for the submission, enforcement or defence of legal claims.

## 12. Right to data portability

The Data Subject is entitled to receive from the Bank his/her personal data previously submitted to the Bank in a structured, commonly used and electronically-readable format and to transfer these data to another Controller without interference by the Bank if the following conditions are met:

- a) processing is based on a consent;
- b) processing is automated.

The right referred to in paragraph 1 hereof also includes the data subject's right to have his/her personal data directly transferred to another controller by the controller to which these data were previously submitted, if this is technically feasible. The right to data portability under the above Section shall not give rise to any obligation for the Bank or another controller to implement or maintain technically compatible systems 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 deny to fulfil the Data Subject's request.

## 13. Legal remedy

The Data Subject is entitled to lodge a complaint to the Commissioner where the Data Subject considers that data processing regarding his/her person has been performed contrary to the provisions of the Law.

Contact details of the Commissioner:

Website: <https://www.poverenik.rs>

Address: Bulevar kralja Aleksandra no. 15, 11120 Belgrade

Postal code: 11120 Belgrade

Telephone: +381 11 3408 900

Fax: +381 11 3343 379

E-mail: [office@poverenik.rs](mailto:office@poverenik.rs)

The Data Subject may also seek judicial protection of his/her rights. The litigation procedure falls within the jurisdiction of the competent court.

The Data subject, in connection with the protection of personal data, has the right to authorize the representative of the association dealing with the protection of the rights and freedoms of data subjects, to represent him/her, in accordance with the Law, in the procedures referred to in Art. 82 to 84 and Article 86 of the Law.

## 14. Contact details of the Bank as the Controller and the Personal Data Protection Officer

Contact details of the Bank as the Controller and the Personal Data Protection Officer:

Name of Controller: OTP banka Srbija a.d. Novi Sad

Head office: Novi Sad

Address: Novi Sad, Trg slobode 5, 21101 Novi Sad

E-mail: [office@otpbanka.rs](mailto:office@otpbanka.rs)

Website: <https://www.otpbanka.rs/>

Email of personal data protection contact: [zastita\\_podataka@otpbanka.rs](mailto:zastita_podataka@otpbanka.rs)