

KDPW S.A. Privacy Policy

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I General

1. Krajowy Depozyt Papierów Wartościowych S.A. (“KDPW”) attaches special attention to the protection of natural persons with regard to the processing of personal data.
2. The KDPW S.A. Privacy Policy (“Policy”) provides a transparent presentation of the objectives, legal basis and other relevant information on the processing of different categories of personal data (described in section 4 below), which gives interested parties adequate access to information concerning the protection of their privacy.
3. KDPW has not appointed a data protection officer within the meaning of Articles 37-39 of 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”) due to the following:
 - 1) KDPW is not a public authority or body referred to in Article 37(1)(a) of the GDPR;
 - 2) KDPW does not execute processing which would require the monitoring of data subjects;
 - 3) KDPW does not process on a large scale the special categories of personal data referred to in Article 9(1) or personal data relating to criminal convictions and offences referred to in Article 10 of the GDPR.
4. The KDPW Corporate Security Department is responsible for the co-ordination of personal data protection in KDPW and may be contacted at bb@kdpw.pl.
5. KDPW reviews this policy at least on an annual basis.

II Security of processing

1. Security of personal data processing in KDPW is a part of the comprehensive information security management system comprised of a set of policies, rules and procedures, processes, technical and organisational solutions designed to ensure the adequate level of confidentiality, integrity and availability of processed information.
2. The KDPW information security management system is closely integrated with the operational risk management system, which includes without limitation an analysis of risks involved in infringements of rights of natural persons who are data subjects and the implementation of appropriate technical and organisational measures for the protection of data on that basis.
3. KDPW has in place a business continuity system which is a set of solutions that ensure the continuity or recovery of critical business processes in the event of a failure or other contingency, preventing loss of processed data.
4. Information security (including personal data protection), operational risk and business continuity are reviewed on a regular basis and tested to check their adequacy and effectiveness; they are also taken into account when designing new solutions and establishing new projects in data processing.
5. Personal data processed by KDPW are in part subject to professional secrecy within the meaning of the Act on Trading in Financial Instruments of 29 July 2005, which imposes the obligation of protecting professional secrecy directly on persons sitting on the statutory bodies of KDPW, persons in an employment relationship, under a mandate or in another similar legal relationship with KDPW, and persons in such relationship with entities which provide services to KDPW.

III Categories of personal data

1. The following subsections describe the categories of personal data processed in KDPW (except for data of KDPW employees and members of its statutory bodies).
2. With the exception of information described in subsection **Błąd! Nie można odnaleźć źródła odwołania.**, the controller of the personal data described below is **Krajowy Depozyt Papierów Wartościowych S.A.** with its registered office in **Warsaw** (00-498), address: **ul. Książęca 4**, entered in the business register maintained by the District Court of Warsaw, 12th Commercial Division of the National Court Register, entry no. **KRS 0000081582**.
3. Under an **entrustment agreement** executed in the framework of co-operation within the KDPW Group, KDPW processes personal data for which KDPW's subsidiary **KDPW_CCP S.A.** ("KDPW_CCP"), is the controller. The scope of personal data entrusted by KDPW_CCP corresponds to the categories described in subsections **Błąd! Nie można odnaleźć źródła odwołania.** to **Błąd! Nie można odnaleźć źródła odwołania.** and KDPW processes such categories of data both as **controller** and **processor** on behalf of KDPW_CCP.
4. KDPW may keep personal data for the period of time necessary for the purposes for which the personal data are processed and, unless otherwise specified below, for a **period not shorter than 10 years** required by laws concerning the retention of records of KDPW's services and business. The period of 10 years may be extended if data retention is necessary for the establishment or exercise of claims related to the provision of services in which data are processed and for the defence against such claims. The period of 10 years runs from the date of termination of the legal relationship under which KDPW obtains personal data. In the case of a pending dispute, litigation or other proceedings, the period of retention of personal data runs from the date of the legally valid resolution of the dispute and, in the event of multiple proceedings, the legally valid resolution of the last proceedings, in whatever form, unless the legislation provides for a longer period of data retention or a longer period of limitation of rights or claims concerned by the proceedings.

III.1. Personal data of beneficial owners of securities registered in KDPW

1. KDPW processes data of beneficial owners of securities registered in KDPW provided by KDPW participants for the purposes of:
 - 1) execution of procedures enabling such persons to participate in the general meeting of a public company (issuer of the securities) in accordance with an individual confirmation of the right to participate in the general meeting issued by the KDPW participant (operating the beneficial owner's securities account) or an equivalent document referred to in Article 10a(1) of the Act on Trading in Financial Instruments of 29 July 2005;
 - 2) fulfilling the obligations of remitter in respect of tax liabilities arising in the Republic of Poland of the beneficial owner of securities registered in an omnibus securities account maintained by KDPW in the performance of functions related to the fulfilment of obligations of issuers of securities;
 - 3) disclosure of information on beneficial owners of securities registered in omnibus securities accounts maintained by KDPW to the competent public authorities;
 - 4) disclosure of information on beneficial owners of securities issued outside the Republic of Poland or registered via an operational link established with a foreign central securities depository to entities authorised to request the disclosure of such information according to the law of another Member State or European Union law.
2. KDPW discloses personal data referred to in point 1 only to entities authorised under the law, including:
 - 1) data referred to in point 1(1) – to the public company which is the issuer of the securities;
 - 2) data referred to in point 1(2) – to the competent tax authority;
 - 3) data referred to in point 1(3) – to the Polish Financial Supervision Authority or the General Inspector of Financial Information;

- 4) data referred to in point 1(4) – to the issuers of securities or to entities which operate for KDPW, outside the Republic of Poland, registration accounts for KDPW in which the securities are registered in the central securities depository maintained by KDPW.
3. Personal data referred to in point 1 are processed for the purpose of fulfilling a legal obligation of KDPW under generally applicable legislation, including:
 - 1) the Act of 15 September 2000 – Code of Commercial Companies;
 - 2) the Act of 26 July 1991 on Corporate Income Tax;
 - 3) the Act of 29 July 2005 on Trading in Financial Instruments;
 - 4) the law of another Member State or European Union law.
4. The scope of processed data of beneficial owners of securities registered in KDPW derives from the provisions of the law referred to in point 3 and includes:
 - 1) full name, address of residence, number of securities (for the purposes of participation of the beneficial owner in the general meeting of a public company);
 - 2) data necessary to fill out the relevant tax return by KDPW as remitter of the flat-rate income tax on securities registered in omnibus securities accounts;
 - 3) data defined in the request of the Polish Financial Supervision Authority or the General Inspector of Financial Information;
 - 4) data defined in the law of another Member State or European Union law.
5. Furthermore, KDPW maintains lists of shareholders of companies whose shares were removed from public trading prior to 24 October 2005, drawn up in order to enable such companies to identify the beneficial owners of such shares (such data are no longer collected).
6. The processing of personal data referred to in point 5 is based on legitimate interest of KDPW in connection with the deregistration of securities in the central securities depository.
7. The scope of personal data referred to in point 5 includes: full name, address of permanent or temporary residence, number of shares.

III.2. Personal data of beneficial owners of securities registered by entities which register securities outside the Republic of Poland and maintain operational links with KDPW

1. KDPW processes personal data provided by KDPW participants concerning beneficial owners of securities registered by entities which carry out crossborder co-operation with KDPW in the processing of securities for which KDPW is not the central securities depository. KDPW processes such data **on behalf of KDPW participants as processor** within the meaning of the GDPR in order to enable the beneficial owner (client of a KDPW participant) to exercise rights attached to securities (participation in the general meeting, payments from securities) or to enable the beneficial owner to use a tax exemption or other relief for taxation paid abroad.
2. KDPW discloses personal data referred to in point 1 to the issuer of securities or the entity which registers securities outside the Republic of Poland and maintains an operational link with KDPW.
3. The processing of personal data by KDPW as processor within the meaning of the GDPR is based on the Detailed Rules of Operation of Krajowy Depozyt Papierów Wartościowych.
4. The scope of data processing for entities referred to in point 2 depends on the jurisdiction and includes the following types of personal data of clients of KDPW participants: full name, gender, address of residence or other contact details, date and place of birth, parents' first names or birth names, identity document number, country of tax residence, PESEL or other equivalent identifier, tax identifier.

III.3. Personal data of investors eligible for or requesting the payment of compensation from the mandatory compensation scheme operated by KDPW

1. KDPW processes personal data of investors for the purposes of the execution of functions related to the operation of the mandatory compensation scheme which provides investors with the payment of compensation in the case of declaration of bankruptcy or opening of restructuring of a brokerage house, legally valid rejection of a motion for the declaration of bankruptcy where the assets of the brokerage house are insufficient or only sufficient to pay the cost of the proceedings or determination of the Polish Financial Supervision Authority that the brokerage house is unable to meet its liabilities in respect of claims of investors for reasons closely related to its financial standing and that such liabilities cannot be met in the nearest future.
2. In connection with the payment of compensation to investors, including the collection of personal data of investors, KDPW co-operates in compliance with the law and applicable standards of professional conduct in business transactions with the judge commissioner, the liquidator, the administrator, the management of the participant of the compensation scheme, the general partners of a limited partnership or a limited joint stock company which participates in the compensation scheme or duly authorised representatives of a participant of the compensation scheme which is a civil partnership or general partnership or the manager of a compensation scheme in the country of seat of a participant of the compensation scheme which is a foreign investment firm conducting brokerage activities through a branch in the Republic of Poland or the competent supervisory authority in such country, as the case may be.
3. The legal basis of the processing of personal data of investors, inheritors of investors and proxies of investors requesting payments from the compensation scheme is the Act on Trading in Financial Instruments of 29 July 2005. According to the Act, the KDPW Supervisory Board adopts the rules of the compensation scheme, subject to approval by the Polish Financial Supervision Authority.
4. The scope of the processing of data of investors requesting payments from the compensation scheme includes: full name, PESEL or other identifier, identity document series and number, address of residence, telephone number, email address, mailing address, investor's investment account number, bank account number, balance in the account eligible for compensation.

III.4. Personal data of members of open-ended pension funds making transfer payments

1. KDPW processes personal data, provided by the Social Security Institution, of members of open-ended pension funds from whose accounts transfer payments are made in connection with a change of the open-ended fund, personal data of members of open-ended pension funds from whose accounts transfer payments are made in connection with other events, and personal data of members of open-ended pension funds into whose account such transfer payments are made.
2. KDPW provides personal data referred to in point 1 to open-ended pension funds which maintain accounts from which transfer payments are made and open-ended pension funds into which transfer payments are made.
3. The purpose of processing of personal data referred to in point 1 is the fulfilment of legal obligations under:
 - 1) the Act of 28 August 1997 on the Organisation and Operation of Pension Funds;
 - 2) the Regulation of the Council of Ministers of 23 January 2014 concerning the terms and conditions and time limits of notifications given by open-ended pension funds to the Social Security Institution about agreements concluded with members and transfer payments.
4. The scope of personal data of members of open-ended pension funds processed by KDPW includes: full name, identity document series and number, date of birth, PESEL.

III.5. Personal data of counterparties to transactions reported to supervisory authorities under MiFIR

1. KDPW processes personal data of counterparties to transactions in financial instruments acting as an Approved Reporting Mechanism (ARM). KDPW receives such data from entities which have the reporting obligation under Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (MiFIR) and have concluded an ARM participation agreement with KDPW.
2. KDPW discloses personal data referred to in point 1 to the Polish Financial Supervision Authority or another supervisory authority in the European Union with jurisdiction over the registered office of the reporting entity.
3. The processing of personal data referred to in point 1 is necessary for purposes arising from legitimate interest of KDPW in connection with KDPW's provision of the Approved Reporting Mechanism service where it reports the details of transactions in financial instruments to competent supervisory authorities on behalf of entities which have the reporting obligation under MiFIR. The purposes arising from the aforementioned legitimate interest of the personal data controller include KDPW's capability of enforcement of claims and defence against claims raised against KDPW by demonstrating due performance of the obligation of building ARM reports containing without limitation correct personal data of counterparties to transactions and sending reports within the required time limits to the competent supervisory authority.
4. The scope of personal data of natural persons who are counterparties to transactions reported to supervisory authorities includes: full name, date of birth, PESEL or tax identifier (NIP) for Polish nationals or a natural person identifier defined in Annex II to Commission Delegated Regulation (EU) 2017/590 for nationals of other countries, code of country of residence, and LEI (for natural persons conducting business activity).

III.6. Data of natural persons conducting business activity who request the issuance of an LEI or have been issued an LEI

1. KDPW operates as a numbering agency issuing Legal Entity Identifiers (LEI) used as globally unique identifiers of entities on the financial market, as required under European Union law including EMIR, MIFID II/MIFIR, CSDR and SFTR. KDPW processes personal data of persons who are users of the LEI issuance online application acting on their own behalf or on behalf of persons they represent. Data of a natural person conducting business activity included in the request for the issuance of an LEI may be disclosed by KDPW to other numbering agency issuing LEIs in order to check whether the person holds an LEI issued by another numbering agency and to the Global Legal Entity Identifier Foundation (GLEIF) with its registered office in Switzerland.
2. Data of natural persons conducting business activity who hold an LEI are published by KDPW on the website <http://lei.kdpw.pl> to the extent limited to data published in the Central Registration and Information of Business Activity (CEIDG).
3. The processing of personal data referred to in point 1 is based on legitimate interest of KDPW in connection with the issuance of LEIs and fulfilment of obligations under LEI registration and maintenance agreements.

III.7. Data of persons authorised as representatives in the electronic Information Exchange System

1. KDPW processes data of persons authorised by entities using services of KDPW or KDPW_CCP as representatives to the extent of the presentation and acceptance of declarations of will and other statements via the Information Exchange System (SWI), which is a set of technical and IT resources supporting communication with KDPW and KDPW_CCP by means of electronic data transmission

using cryptographic keys generated for such persons. Such persons have been issued certificates necessary to generate electronic signatures in the Information Exchange System.

2. The processing of personal data referred to in point 1 is based on legitimate interest of KDPW in connection with the provision of services of a financial market infrastructure company.
3. The scope of data of persons authorised to present declarations of will via the Information Exchange System (SWI) and other related information is presented in the Rules of the Information Exchange System available on the KDPW website.

III.8. Personal data of users granted access to online applications

1. KDPW processes data of persons acting on behalf of entities using KDPW services who use dedicated online applications of such services as well as natural persons logging in a separated part of the KDPW website.
2. The processing of personal data referred to in point 1 is based on legitimate interest of KDPW in connection with services provided to financial market operators and, for persons logging in a separated part of the website, also based on the consent of the data subject.
3. The scope of personal data of online application users includes the following data: full name, email address (business address by default), company name and address, position.

III.9. Personal data of securities registration specialists

1. KDPW processes data of persons entered in the register of securities registration specialists and issued a KDPW certificate of qualified securities registration specialists. Such certification confirms professional qualifications and fulfils one of the requirements defined in the Rules of Krajowy Depozyt Papierów Wartościowych applicable to persons to be hired by KDPW participants in order to maintain securities registers.
2. The processing of personal data referred to in point 1 is based on the consent of the data subject and legitimate interest of KDPW in connection with a review of the conditions of participation in KDPW.
3. The scope of personal data of securities registration specialists includes: full name, date of birth, place of birth, address of permanent or temporary residence, PESEL.

III.10. Personal data of persons participating in marketing, promotional and educational events organised by KDPW

1. KDPW processes data of persons registering for marketing, promotional and educational events organised by KDPW.
2. The processing of personal data referred to in point 1 is based on the consent of the data subject.
3. The scope of personal data of participants of events referred to in point 1 includes: full name, organisation, position in the organisation, telephone number (business telephone number by default), email address (business email address by default).
4. KDPW keeps data of participants of events referred to in point 1 only for the period necessary to organise the event including reasonable actions taken after the event such as distribution of materials.
5. KDPW outsources the processing of personal data of participants of marketing, promotional and educational events to other entities which provide services to KDPW in connection with the organisation of such events.

III.11. Personal data of representatives of KDPW's and KDPW_CCP's contractors

1. KDPW processes personal data of representatives of its contractors and natural persons conducting business activity, not listed in the preceding subsections (including **Błąd! Nie można odnaleźć źródła odwołania.** and **Błąd! Nie można odnaleźć źródła odwołania.**), including the following subcategories:
 - 1) data of persons acting on behalf of KDPW's contractors recorded in powers of attorney, authorisations, declarations and other similar documents which confirm the powers of such persons to do certain things;
 - 2) data of persons obtained from publicly available sources (KRS or CEIDG) for purposes similar to those referred to in (1);
 - 3) contact data recorded in business cards, email message footers and websites for the purposes of communicating with such persons as required by co-operation with KDPW (in general, these include the following types of data: full name, position, company name and address, business phone number, business email address).
2. The processing of personal data referred to in point 1 is based on legitimate interest of KDPW in its business activity.
3. KDPW does not use automated processing of personal data referred to in point 1.

III.12. Personal data in accounting documents

1. KDPW processes data of natural persons, including natural persons conducting business activity, recorded in bills and invoices issued by such persons to KDPW or KDPW_CCP and invoices issued by KDPW or KDPW_CCP to such persons.
2. The processing of personal data referred to in point 1 is based on a contract to which the natural person is a party.
3. The scope of personal data for accounting purposes includes: full name, address of residence, tax identifier (NIP).

III.13. Employee recruitment

1. KDPW processes data of persons who present their job offers to KDPW or KDPW_CCP.
2. The processing of personal data referred to in point 1 is based on the consent of the data subject.
3. KDPW keeps data of job candidates only for the period of time necessary to complete recruitment.

III.14. Correspondence register

1. KDPW processes data of persons who contact it by traditional mail or send official correspondence by email and keeps contact data provided by such persons in the correspondence register. Such data are used for the purposes of responding and retaining records of business, including in the event of circumstances such as complaints and proceedings handled by competent supervisory authorities.
2. The processing of personal data referred to in point 1 is based on legitimate interest of KDPW in its business activity.
3. The scope of personal data kept in the correspondence register includes: full name, mailing address or email address.

III.15. Data of persons visiting KDPW and KDPW_CCP offices

1. KDPW processes data of persons entering offices used by KDPW and KDPW_CCP as follows:
 - 1) offices are covered by security measures including a monitoring (CCTV) system whose cameras may record the image of persons moving within KDPW offices;
 - 2) the full name of a person entering KDPW or KDPW_CCP offices who is not an employee of KDPW or KDPW_CCP is entered in the guest book.
2. The processing of personal data referred to in point 1 is based on legitimate interest of KDPW related to physical security of its offices.
3. CCTV recordings and documentation containing the names of guests are stored securely and used only in exceptional cases where an incident needs to be investigated. KDPW does not automatically process such data.
4. KDPW outsources the processing of personal data referred to in this subsection to a licensed company responsible for the security of KDPW offices.

III.16. Data processed in electronic communication (including cookies)

1. KDPW processes the following data which constitute or may in specific cases constitute information concerning an identified or identifiable natural person:
 - 1) email addresses of senders of messages sent to addresses in the KDPW internet domain, stored on email servers;
 - 2) IP addresses of computers and other devices in ICT networks, recorded in KDPW IT system logs, including in relation to visits on websites in the KDPW internet domain;
 - 3) data in cookies, i.e., small text files placed on computers and other devices when their users visit websites.
2. The processing of personal data referred to in point 1 is based on legitimate interest of KDPW related to the adequate functionality and ICT security of IT systems supporting the operation of KDPW.
3. The following should be noted with respect to KDPW's processing of data using cookies:
 - 1) in general, two types of cookies may be used:
 - a) session cookies – stored on the user's end device for the time of visiting an online service, typically from the time of logging in the service to the time of logging out or leaving the website;
 - b) persistent cookies – used on the user's end device for a period of time defined in cookie parameters unless deleted earlier by the user;
 - 2) users of computers have, in general, full control of the storage of cookies on their devices and may do the following:
 - a) delete cookies placed on the computer after visiting a website, for instance using the browsing history option or another similar functionality of the web browser (this could cause loss of personalised settings of the user in services which do not require the user to log in at each time);
 - b) disable/block cookies permanently in the web browser (this could result in restrictions of the use of certain websites, in particular websites which require the user to log in and websites which give access to personalised content);
 - 3) KDPW websites use cookies only for the following purposes:
 - a) enabling the user to open a logged-in session in available online applications as a necessary element of the operation of the services (for the purposes of giving access to data and operations to authorised persons only);
 - b) administering of available online services by means of Google Analytics tools which support the analysis of traffic statistics of the services based on files which do not enable

user identification (for more information please visit <https://www.google.com/analytics/learn/privacy.html?hl=pl>).

IV Rights of KDPW's data subjects

1. Pursuant to the GDPR, every person whose data are processed by KDPW as controller has the right to access such data, the right to rectification or deletion of data, the right to limitation of processing, the right to portability, the right to object and the right to withdraw his or her consent at any time without affecting the lawfulness of processing (if processing is based on consent) based on consent before its withdrawal.
2. To enforce the rights referred to in point 1 above, KDPW may be contacted by email at bb@kdpw.pl. KDPW will reply to a request concerning enforcement of rights of a natural person within one month of receipt. In the event of reasonable doubt about the identification of the person filing the request, KDPW may request additional information necessary to confirm the identity of such person.
3. Any person may lodge a complaint with the competent authority responsible for personal data protection in the Republic of Poland if such person decides that KDPW's processing of his or her personal data infringes the applicable data protection regulations.