

# Policy regarding personal data processing and data confidentiality

Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, also known as GDPR (General Data Protection Regulation), became applicable starting from 25.05.2018.

## Summary

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### 1. Purpose - Relevant definitions in the context of protection of personal data

This policy is intended to provide unitary information to any natural person whose personal data are processed by Smith&Smith and shall apply to the following persons, collectively referred to in general terms as “Data Subjects”:

- the Customer (even after the termination of the contractual relationship), potential customers, persons who Smith&Smith carries out occasional transactions with, the Customer’s legal or conventional representatives, the Customer’s Account Proxies, Beneficial Owners and their family members;
  - Contact Persons, legal representatives or natural persons designated by a Customer (even after the termination of the contractual relationship) of Smith&Smith, Customer’s Account Proxies, Beneficial Owners and their family members;
- The following documents were updated pursuant to the application of GDPR: The updated version of the clauses of the General Business Conditions for natural persons regulating the processing of personal data, in accordance with GDPR,

The updated version of the General Conditions for carrying out payment transactions for legal persons regulating the processing of personal data, in accordance with GDPR, and the Cookies Policy.

Relevant definitions in the context of protection of personal data:

Personal data = any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online

identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

Processing of personal data = any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure to third parties by transmission, dissemination or otherwise, alignment or combination, blocking/restriction, erasure or destruction;

Right of information = the right of the data subject to be informed about the processing of his/her personal data, including about the identity and contact details of the controller and the Data Protection Officer, the purposes of the processing of personal data, the categories of personal data concerned, the data recipients or the categories of data recipients, the existence of the rights provided by the legislation on personal data protection for the data subject and the conditions under which they can be exercised;

Right of access to data = the right of the data subject to obtain from the data controller - Smith&Smith - upon request and free of charge, a confirmation as to whether or not personal data concerning him or her are being processed by the controller and, where that is the case, access to the personal data and to relevant information on the processing of personal data;

Right to rectification = the right of the data subject to obtain, upon request and free of charge, the rectification of inaccurate data concerning him or her and the completion of incomplete data;

Right to erasure (“right to be forgotten”) = the right of the data subject to obtain, upon request and free of charge, to the extent that the conditions laid down by law are fulfilled, the erasure of personal data concerning him or her;

Right to restriction of processing = the right of the data subject to obtain, upon request and free of charge, to the extent that the conditions laid down by law are fulfilled, the marking of stored personal data with the aim of limiting their processing in the future;

Right to data portability = the right of the data subject to receive, upon request and free of charge, the personal data concerning him or her, which he or she has provided to Smith&Smith in a structured, commonly used manner and in an easy-to-read format and the right that such data are transmitted by Smith&Smith to another data controller, to the extent that the conditions laid down by law are fulfilled;

Right to object = the right of the data subject to object, on reasonable and legitimate grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her, to the extent that the conditions laid down by law are fulfilled. Where personal data concerning him or her are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of his/her personal data for such marketing;

Right not to be subject to an individual decision = the right of the data subject to request and to obtain the withdrawal, annulment or reassessment of any decision based solely on automated processing (including profiling), which produces legal effects concerning him or her or similarly significantly affects him or her;

Right to appeal to justice or to the National Supervisory Authority for Personal Data Processing = the right of the data subject to lodge a complaint to the National Supervisory Authority for Personal Data Processing, respectively the right to appeal to justice for the defence of any rights guaranteed by the applicable legislation on personal data protection, that have been violated.

## **2. Information on the processing of personal data of data subjects**

### **2.1. The relationship between Smith&Smith and the individual customer**

Information on the processing of personal data of the Customer (even after the termination of the contractual relationship), potential customers, persons who Smith&Smith carries out occasional transactions with, the Customer's legal representatives, the Customer's Account Proxies, Beneficial Owners and their family members. For the provision of payment services, Smith&Smith shall process personal data in compliance with the legal provisions applicable in the field of processing of personal data, respectively in compliance with the General Data Protection Regulation ((EU) 2016/679) and with the subsequent legislation.

Categories of data subjects who are natural persons

The personal data that shall be processed by Smith&Smith belong to the following categories of data subjects: the Customer (even after the termination of the contractual relationship), the Customer's legal representatives. Such personal data shall be transmitted to Smith&Smith upon initiation of the contractual relationships with the Customer or shall be disclosed to Smith&Smith during the course of such relationships. Smith&Smith may also process the personal data belonging to the Data Subjects after the termination of the contractual relationship with the Customer in order to comply with its legal obligations, including with the incidental obligations for archiving purposes.

Purposes of the processing of personal data

Smith&Smith shall process personal data for the following purposes:

In order to comply with its legal obligations, Smith&Smith shall process personal data for: the performance and improvement of the payment services offered by entering in Smith&Smith's IT applications the data from the identity document, according to the applicable legal requirements; customer due diligence for preventing money laundering and combating terrorist financing, including by creating and using warning lists; performing the customer identification operations in the context of conducting the contractual relationship, according to the legal obligations; the prevention and reduction of risks relating to fraud and corruption and for guaranteeing the secrecy, including by checking the authenticity of the identity document presented and by taking the necessary steps to identify the customers; transaction reporting and other legal reporting; management of conflicts of interest; management of the checks carried out by the authorities; fulfilling the banking supervision obligations over the institution or to supervisory authorities and other internal reporting, the management of incidents that may occur in the performance of the contract between the Customer and Smith&Smith; the use of computer systems and IT services, including for storing the data processed through the

applications and systems, the management of complaints and referrals received regarding the contracted payment products and/or services; the processing of payment/receipt transactions through the financial systems, where applicable; the retention, storage (prior to archiving) and archiving of documents; data quality management; implementation of personal data security measures.

For the purpose of concluding and performing the contract between the Customer and Smith&Smith, the latter shall process the personal data for: the conclusion, conduct and management of the contractual relationship with the Customer, for the purpose of providing the payment products and services, the management of incidents that may occur in the performance of the contract between the Customer and Smith&Smith, by creating and drawing up warning lists; the optimisation of payment services, including by providing technical support and maintenance activities; data quality management; the exercise or defence of certain rights of the institution in court; the management of complaints and referrals received regarding the contracted payment products and/or services; the verification of the way in which the internal policies and regulations are complied with.

To fulfil the aforementioned purposes, Smith&Smith shall also rely, to the extent necessary, on its legitimate interest in carrying out its business.

Based on the consent given by the Data Subject at the time of the initiation of the business relationship or in other situations, by means of any other forms/methods provided by Smith&Smith, where applicable, for:

- direct marketing aimed at natural persons, through the communication by Smith&Smith and/or its contractual partners of personalised information and/or offers regarding products, services and activities, which may be of personal interest for the Data Subject (independently from his/her possible relationship with a corporate customer), of the institution, as well as by carrying out marketing surveys, directly by Smith&Smith or through its contractual partners, regarding Smith&Smith's and/or its partners' current and/or future products, services and activities;

- generating personalised offers and communications by using computer techniques (e.g., cookies, pixels and/or other similar technology) involving automated decision-making (including profiling). For this purpose, in order to transmit personalised offers as close as possible to the Data Subject's interests, including via online channels, such as the social networks, Smith&Smith may process all or part of the data that the Data Subject provides directly in the context the contractual relationship with Smith&Smith, as well as data resulting from the use of the services provided by Smith&Smith, including Smith&Smith's online app, and data resulting from the payment transactions registered at the level of the accounts/services that the Data Subject holds.

The consent given regarding the aforementioned processing activities may be withdrawn at any time and this shall not affect the lawfulness of the processing activities carried out before such withdrawal, by sending a written, dated and signed request to the following address: Bucharest, str. George Georgescu, nr.10, sector 4 or by sending an e-mail to Smith&Smith for this purpose, at the following e-mail address: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro).

## Disclosure of personal data

To fulfil the processing purposes, Smith&Smith shall disclose and may disclose personal data to the following categories of recipients: the Data Subject, the Data Subject's legal or conventional representatives, Smith&Smith's representatives, the judicial authority, central public authorities, including with duties in the field of anti-money laundering and countering the financing of terrorism, local public authorities, authorities/bodies with duties in criminal matters, banking institutions in the context of payments initiated by the Customer, the beneficiary of the payment initiated by the Customer, the National Trade Register Office, banking institutions participating in the Interbank Convention on direct debit, in the event of interbank direct debit mandates; operators of social networks that may also act as controllers, controllers associated with Smith&Smith or persons authorised by Smith&Smith.

## Duration of the processing

To fulfil the aforementioned processing purposes, Smith&Smith shall process the personal data during the performance of the payment services and subsequently, when there is a legitimate business need to do so (e.g., to provide you with the information requested or to comply with our legal, tax or accounting obligations). Following the compliance with the statutory archiving periods, Smith&Smith may decide to anonymise the data, thus removing their personal nature and to continue processing the anonymous data for statistical purposes.

## Rights of data subjects who are natural persons

Data Subjects shall benefit from the following rights in the context of processing of personal data: the right of information, the right of access to data, the right to rectification, the right to erasure ("right to be forgotten"), the right to restriction of processing, the right to data portability, the right to object, the right not to be subject to an automated individual decision and the right to appeal to the National Supervisory Authority for Personal Data Processing (according to the information available on [www.dataprotection.ro](http://www.dataprotection.ro)) or to the competent courts, to the extent deemed necessary by the Data Subject. The content of such rights is detailed in section 1 above.

Following the request to erase the data, Smith&Smith may anonymise such data (thus removing their personal nature) and continue the processing, in those circumstances, for statistical purposes.

For further details on the processing activities carried out by Smith&Smith and on your rights in this context, please send us the request at the following address: Bucharest, str. George Georgescu, nr. 10, sector 4, at the following e-mail address: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro).

The information on the processing of Data Subjects' personal data in the context of the different products and/or services of Smith&Smith shall be provided by means of the information documents that are specific for those products and/or services and that were provided or will be provided to the Data Subjects in the context of the related collection of personal data.

## **2.2. The relationship between Smith&Smith and the corporate customer**

Information on the processing of personal data of the contact persons, legal representatives, employees and/or natural persons designated by a Customer (even after the termination of the contractual relationship) of the institution, Customer's Account Proxies, Beneficial Owners and their family members.

#### Categories of data subjects who are natural persons

The personal data that shall be processed by Smith&Smith belong to the following categories of data subjects: the Customer who is a self-employed person, the Customer's/potential Customer's legal representatives (including the Contact Person indicated in the form intended for the Legal Person who is interested in the payment services offered by Smith&Smith), Beneficial Owners, contact persons designated by the Customer, Customer's proxies, the employees, shareholders, associates and/or other categories of natural persons relevant in the context of the contractual relationship between the Customer and Smith&Smith, whose data are disclosed by the Customer, by the Data Subjects or could be processed in the context of the relationship between Smith&Smith and the Customer. Such personal data shall be transmitted to Smith&Smith upon initiation of the contractual relationships with the Customer or shall be disclosed to Smith&Smith during the course of such relationships.

Smith&Smith may also process the personal data belonging to the Data Subjects after the termination of the contractual relationships with the Customer in order to comply with its legal obligations, including with the incidental obligations for archiving purposes.

Insofar as the Customer disclosed the personal data of the contact persons designated by him/her, of the legal representatives, of the collaborators, of the Beneficial Owners, of the proxies, of the employees, associates, shareholders and/or of any other natural persons to Smith&Smith, given that Smith&Smith does not benefit from the practical way of directly ensuring the information of these categories of persons (e.g., where the Customer transmits the Data Subjects' data to Smith&Smith), the Customer shall have the obligation to inform such persons beforehand of the processing of personal data, according to the details presented in this section.

The Customer shall take measures to ensure that such disclosure is made in compliance with any applicable requirements, including those relating to the information of Data Subjects and to obtaining the consent of Data Subjects, if necessary, so that Smith&Smith can process the personal data for the intended purposes without any further formality. The Customer shall have the obligation to inform these Data Subjects beforehand about the processing of personal data, according to the details presented in this section and in situations where these Data Subjects directly provide to Smith&Smith personal data concerning them.

Smith&Smith shall process personal data for the following purposes:

In order to comply with its legal obligations, Smith&Smith shall process personal data for: the conclusion of the contractual documentation, the conduct and management of the relationship with the Customer for the provision, performance and improvement of the payment services offered, including by entering in Smith&Smith's IT applications the data from the identity document, according to the applicable legal requirements; customer due diligence for preventing money laundering and combating terrorist financing, including by creating and

using warning lists; performing the customer identification operations and updating of data in the context of conducting the contractual relationship, as well as for the restriction/blocking of access to certain payment products and/or services, after the expiry of the prior notice period for updating the data, according to the legal obligations; the prevention and reduction of risks relating to fraud and corruption, transaction reporting and other legal reporting, including in the FATCA context, management of conflicts of interest; management of the checks carried out by the authorities; the use of computer systems and IT services, including for storing the data processed through the applications and systems, the management of complaints and referrals received, both regarding the contracted payment products and/or services and without any connection with them; the proper conduct and the facilitation of payment transaction processing operations, including the quality management of the data related to the transaction processing operations and ensuring a unitary way to fill in the mentions from the payment orders in the electronic messages used in this context; ensuring the security within the precincts of the institution; the retention, storage (prior to archiving) and archiving of documents; data quality management; implementation of personal data security measures.

For the purpose of concluding and performing the contract between the Data Subject and Smith&Smith, the latter shall process the personal data, insofar as the Data Subject is a party to the Contract concluded between the Customer and Smith&Smith, for: the conduct and management of the contractual relationship for the purpose of providing the payment products and services, including by communicating certain relevant aspects in the course of the business relationship; the provision of technical support and maintenance activities, including those necessary for the conduct and management of the contractual relationship and including for the specific applications/systems used; the optimisation of payment services, including by providing technical support and maintenance activities; the management of incidents that may occur in the performance of the contract between the Customer and Smith&Smith, by creating and drawing up warning lists; the exercise or defence of certain rights of the institution in court; the management of complaints and referrals received regarding the contracted payment products and/or services.

To fulfil the aforementioned purposes, Smith&Smith shall also rely, to the extent necessary, on its legitimate interest in carrying out its business, the verification of the way in which the internal policies and regulations are complied with.

Based on the consent given by the Data Subject at the time of the initiation of the contractual relationship with the Customer and/or in other situations, by means of any other forms/methods provided by Smith&Smith, where applicable, for the following purposes:

- direct marketing aimed at natural persons, through the communication by Smith&Smith and/or its contractual partners of personalised information and/or offers regarding products, services and activities, which may be of personal interest for the Data Subject (independently from the relationship with the Corporate Customer), of Smith&Smith;
- generating personalised offers and communications by using computer techniques (e.g., cookies, pixels and/or other similar technology) involving automated decision-making (including profiling). For this purpose, in order to transmit personalised offers as close as possible to the Data Subject's interests, including via online channels, such as the social networks, Smith&Smith may process all or part of the data provided, as well as data resulting from the use of the applications provided by Smith&Smith, including the online apps.

The consent given regarding the aforementioned processing activities may be withdrawn at any time and this shall not affect the lawfulness of the processing activities carried out before such withdrawal, by sending a written, dated and signed request to the following address: Bucharest, str. George Georgescu, nr.10, sector 4 or by sending an e-mail to Smith&Smith for this purpose, at the following e-mail address: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro).

#### Direct marketing activities aimed at the Corporate Customer

Also, based on the consent for direct marketing given by the Corporate Customer at the time of the initiation of the contractual relationship with Smith&Smith or subsequently, by means of any other forms/methods provided by Smith&Smith, the latter shall transmit communications for direct marketing purposes aimed at the Corporate Customer by using the contact details of its legal representatives (natural persons) declared in relation to Smith&Smith at the time of the initiation of the contractual relationship with Smith&Smith or updated at a later date, by means of any other forms/methods provided by Smith&Smith. For this purpose:

- there shall be used the contact details that the legal representatives provided in relation to Smith&Smith, by means of the form intended for the natural persons who have a relationship with a Corporate Customer;
- the communications for direct marketing purposes may consist of the transmission of information and/or offers regarding products, services and activities of Smith&Smith and of carrying out marketing surveys regarding Smith&Smith's current and/or future products, services and activities;
- the processing related to such communications can take place on the territory of Romania.

The consent given by the Corporate Customer regarding the aforementioned direct marketing activities shall be voluntary and its withdrawal can be made at any time (and this shall not affect the lawfulness of the direct marketing activities carried out before such withdrawal), by sending a written, dated and signed request to the following address: Bucharest, str. George Georgescu, nr.10, sector 4 or by sending an e-mail to Smith&Smith for this purpose, at the following e-mail address: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro).

#### Disclosure of personal data

To fulfil the processing purposes, Smith&Smith shall disclose and may disclose personal data to the following categories of recipients: the Data Subject, the Data Subject's legal representatives, the Customer's legal representatives, Smith&Smith's representatives, controllers associated with Smith&Smith as regards the processing of personal data, the judicial authority, central public authorities (including with duties in the field of anti-money laundering and countering the financing of terrorism) and local public authorities, including the National Bank of Romania, the National Agency of Fiscal Administration and its subordinated units, the beneficiary of the payment initiated by the Customer, the National Trade Register Office, banking institutions participating in the Interbank Convention on direct debit.

#### Duration of the processing

To fulfil the aforementioned processing purposes, Smith&Smith shall process the personal data during the performance of services and subsequently, when there is a legitimate business need



to do so (e.g., to provide the information requested by the Data Subjects or to comply with our legal, tax or accounting obligations).

## Rights of Data Subjects

Data Subjects shall benefit from the following rights in the context of processing of personal data: the right of information, the right of access to data, the right to rectification, the right to erasure (“right to be forgotten”), the right to restriction of processing, the right to data portability, the right to object, the right not to be subject to an automated individual decision and the right to appeal to the National Supervisory Authority for Personal Data Processing (according to the information available on [www.dataprotection.ro](http://www.dataprotection.ro)) or to the competent courts, to the extent deemed necessary by the Data Subject.

For further details on the processing activities carried out by Smith&Smith and on your rights in this context, please send us the request at the following address: Bucharest, str. George Georgescu, nr.10, sector 4 or by e-mail to Smith&Smith for this purpose, at the following e-mail address: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro). You can also contact the Data Protection Officer within Smith&Smith at the following e-mail address: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro).

The information on the processing of Data Subjects’ personal data in the context of the different products and/or services of Smith&Smith shall be provided by means of the information documents that are specific for those products and/or services and that were provided or will be provided to the Data Subjects in the context of the related collection of personal data.

Smith&Smith shall use, in the relationship with the Legal Representatives/Authorised Representatives/Contact Persons/Delegated Persons a single set of contact details for communicating any necessary information/correspondence, in the light of the capacity held by the Data Subject in relation to any of the products/services contracted by the Customer (except for the monthly current account statement, if requested to be communicated at a different address).

If, in compliance with the law and with the internal regulations of Smith&Smith, additional/regular checks of the data provided by the Customer are necessary for opening or operating any Accounts and/or for the provision of any other products/services offered, Smith&Smith shall be entitled to perform any checks, to request and obtain any information about the Customer, the Authorised Representatives or, where applicable, any other persons performing any operations and/or who have a special mandate for certain operations in relation to the products/services contracted by the Customer, from any competent authority, public registry, archives, electronic database or competent institution that holds such information.

The Customer shall have the obligation to provide any documents requested by Smith&Smith in compliance with the applicable requirements regarding the protection of personal data. Refusal to provide the personal data can result in the impossibility to provide the payment products and services and/or to fulfil the institution’s other processing purposes. Also, the Customer shall have the obligation to notify Smith&Smith whenever there is any change in the documents submitted or in the information provided (where applicable, by submitting the modified documents and/or by filling in the specific forms provided by Smith&Smith for this purpose and/or in any other way agreed by the parties within the forms).

If there are no changes, the Customer shall have the obligation to confirm, after a certain period, that the information previously provided to the institution remain valid.

Additionally, the Customer shall have the obligation that, if at any point during the course of the business relationship between the Customer and Smith&Smith, the situation of the beneficial owner and/or any information regarding the beneficial owner changes, it immediately notifies Smith&Smith about this, by communicating the information provided by law regarding the beneficial owner together with any relevant documents requested by Smith&Smith, with due regard for the principle of personal data accuracy.

Please also read the other sections of this Confidentiality Policy reflecting the relevant information regarding the processing of personal data in specific contexts.

### **3. Information on the processing of personal data in the context of the use of cookies**

Our websites use cookies. What are cookies and how are they used?

Cookies are small files, generally consisting of a string of characters, or parts of a file, which, when accessing a website, are saved in the browser used by the computer, telephone, tablet or any other device by means of which such website is accessed. On each subsequent visit, the browser used shall send this file to the server of that website, for the purpose of allowing the identification of a returning visitor.

Websites generally use cookies to facilitate the provision to visitors of certain functionalities that cannot be provided in the absence thereof by the http protocol, a text protocol that is most commonly used to access online information from web servers (www). These functionalities consist of the management of user sessions, keeping an authenticated session, keeping preferences on a visited page (e.g., aspects related to the functionality or the graphic display of pages), keeping products in the shopping cart, and more.

When you access the website as a visitor, a cookie is sent to your Internet browser and saved on your computer's hard disk, but you can block the storage of cookies by modifying your browser settings.

Cookies can store information of personal nature (e.g., visitor's identification code, personalised preferences or a history of the pages visited). This information is not generated by cookies, but by the visitor, when he/she fills in online forms, registers on a website, uses electronic payment systems etc. Although cookies are stored in the memory of the computer, telephone, tablet or of any other device used to access a website, cookies cannot access nor read other information stored on that device.

Cookies are not viruses, they are not compiled as a code and cannot be executed. Consequently, they cannot self-copy, they cannot spread to other networks to generate certain actions, and cannot be used to spread viruses.

Depending on the duration, cookies may be session cookies or permanent cookies: Session cookies have a temporary storage duration, limited only to the length of the session in which a particular visitor visits the website. When the session or browser is closed, all

information stored is deleted; permanent cookies are stored in the device used by the visitor and are not deleted when the session or browser is closed.

Web browsers offer functionalities to set the security of information, allowing visitors to choose their preferences as to not be recorded so that you can block any use of cookies by modifying your browser settings. In order to use the facilities for setting cookie acceptance level, in most cases you need to access the section “Settings”/“Internet options”, the subsection “Privacy and security”/“Privacy” from the browser menu (depending on the browser used).

Disabling cookie acceptance may result in the failure to access some of the most important sections of the website. For this reason, it is advisable to accept cookies belonging to websites you trust. At any time you wish, you can delete cookies stored in the device you are using by going to the section “Settings”/“Safety”, the subsection “Privacy and Security”/“Delete browsing history” of the browser menu (depending on the browser used).

The visitors of the website belonging to Smith&Smith shall benefit from all the rights provided by the legislation on personal data protection, as follows: the right of information, the right of access to data, the right to rectification, the right to erasure (“right to be forgotten”), the right to restriction of processing (as from 25 May, 2018), the right to data portability (as from 25 May, 2018), the right to object to data processing, the right not to be subject to an automated individual decision and the right to appeal to the National Supervisory Authority for Personal Data Processing or to the competent courts.

The use of cookies and the providers’ obligations are regulated both in the national law (Law No. 506/2004 on the processing of personal data and the protection of privacy in the sector of electronic communications, as amended and supplemented) and in the European law (Directive 2002/58/EC on privacy and electronic communications, as amended and supplemented by Directive 2009/136/EC).

For further information you can consult the following documents and sources of public information:

General Data Protection Regulation (EU) 2016/679 (“GDPR”):  
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN>

Opinion 04/2012 on Cookie Consent Exemption issued by Article 29 Working Party:

[http://collections.internetmemory.org/haeu/20171122154227/http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2012/wp194\\_en.pdf](http://collections.internetmemory.org/haeu/20171122154227/http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2012/wp194_en.pdf)  
<https://www.aboutcookies.org/>  
<http://www.allaboutcookies.org/>  
<http://www.youronlinechoices.com/>  
<https://iab-romania.ro/>

To the extent that, in addition to the information presented above, you believe that you need additional clarifications, you can contact us at the e-mail address: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro).

You can also contact the Data Protection Officer within Smith&Smith at the following e-mail address: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro).

#### **4. Information on the processing of personal data in the context of telephone communication**

Smith&Smith shall process personal data in the context of telephone communication. All phone calls received or made by Smith&Smith are recorded and, in the case of telephone communications, the personal data belonging to the persons with whom Smith&Smith interacts or to persons whose data are transmitted to Smith&Smith in the context of telephone communications (“Data Subjects”) shall be processed.

#### **5. Data confidentiality**

The confidentiality of personal data and the compliance with applicable legal rules in the field are one of the main concerns of Smith&Smith, which permanently aims at ensuring data security and at complying with the requirements in the field.

Consequently, the confidentiality and security of personal data are one of the main concerns and, for this reason, all personal data are processed in accordance with the applicable legal provisions in the field of data protection. The monitoring of compliance with these requirements is also ensured by the Data Protection Officer (DPO) designated at Smith&Smith level, who has the following contact details: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro).

It is possible that Smith&Smith’s employees, in fulfilling their day-to-day duties, process data belonging to individual customers, to the legal representatives of corporate customers with which Smith&Smith has concluded contractual relationships, to the beneficial owners, to proxies, to delegated persons, to shareholders/shareholders who are natural persons etc.

Employees’ trainings are mandatory, they take place each year, always taking into account the legislative changes, as well as the highest applicable standards in the field. They cover aspects regarding the identification of the processing activities processing activities likely to generate risks for data subjects, how to manage security incidents regarding personal data, how to carry out an impact assessment on personal data etc.

Smith&Smith shall use, in its relationship with you, a single postal address, a single telephone number for sending any correspondence, in relation to all contracted products/services ((except for the monthly current account statement, if you request it to be communicated at a different address). Smith&Smith shall send the correspondence to the last postal address indicated.

In the performance of the contract concluded with the institution, Smith&Smith's agents can process personal data and undertake to comply with the relevant provisions of the legislation on personal data protection and to require the employees and/or other third parties used for the provision of services to comply with these provisions.

In this context, the Contract Agent warrants that the employees and/or other third parties used for the provision of Services have been informed and trained to a sufficient extent regarding the legal provisions in the field of personal data protection, the minimum security requirements for the processing of personal data, and the confidential nature of the information provided by the Customer or that they get to know during the course of the contractual relationships and that such employees and/or third parties subsequently committed in writing to comply with the confidentiality of personal data and to keep the professional secrecy. Moreover, the Agents must train the employees and/or third parties according to the Contract regarding the fact that personal data can only be processed for limited purposes, to the extent necessary for performing the services that are the object of the Contract.

Also, the Agent shall have the obligation to take all necessary technical and organisational measures to ensure the protection of the personal data collected, stored, used or processed by the Agent in any other way. In particular, the Agent shall have the obligation to protect the personal data that it has access to and the personal data processing systems that it uses to fulfil the obligations undertaken under the contract concluded with Smith&Smith against unauthorized access and against attacks of any kind by employees or third parties, as well as against destruction or loss, whether deliberate or accidental, of personal data. The contractual partner shall warrant that it can subsequently be verified and established whether and by whom the personal data was entered, modified and deleted in/from the data processing systems that it uses in order to fulfil the obligations assumed under contract.

Smith&Smith shall perform impact assessments on data protection in situations stipulated in GDPR or in other situations regulated and published by the competent authorities to interpret or apply the legislation on personal data protection (the National Supervisory Authority For Personal Data Processing or European Data Protection Board).

When Smith&Smith initiates data processing likely to generate high risks for the rights and freedoms of Data Subjects, taking into account the nature, scope, context and purposes of processing, especially when new technologies are used, Smith&Smith shall carry out an impact assessment on the protection of personal data before the processing.

## **6. Data protection**

### **Contact details:**

E-mail address: [protectiadatelor@smith-smith.ro](mailto:protectiadatelor@smith-smith.ro)

Telephone no.: 0759 034 844

The National Authority for the Supervision of the Processing of Personal Data

<https://www.dataprotection.ro/>