

Data Protection Information

Revision of: 17th August 2022

1. Name and contact details of the controller and its representative

FMS Wertmanagement Service GmbH
Freisinger Straße 11
85716 Unterschleißheim
Tel.: +49 (0) 89 / 54024 0
E-Mail.: info@fms-sg.de
Registry court: München HRB 198697

Represented by:
Jan-Alexander Böckeler
Thorsten Schwarting

2. Contact details of the data protection officers

Dr. Johannes Starke
Syndikus (legal counsel) / data protection officer
FMS Wertmanagement AöR
Prinzregentenstraße 56
80538 München
Telephone: + 49 (0)89 954 7627 621
Mobile: +49 (09 172 8154 105
E-Mail: johannes.starke@fms-wm.de

3. Purpose of the processing of personal data by FMS Wertmanagement Service GmbH

FMS Wertmanagement AöR ("**FMS-WM**") is a winding-up agency as defined in sec. 8a (1) sentence 1 of the Act on the Establishment of a Financial Market and Economic Stabilisation Fund. As of 1st October 1 2010, FMS-WM took over risk positions and operating divisions not required in terms of strategy (collectively the "**Risk Portfolio**") from Hypo Real Estate Holding AG and its direct and indirect subsidiaries and special-purpose companies within the country and abroad (collectively the "**HRE Group**") in order to stabilise the HRE Group and the financial market. According to the bylaw of FMS-WM¹, FMS-WM has the task to exploit and wind up the risk portfolio in a manner aimed at maximising the Risk Portfolio's value.

FMS Wertmanagement Service GmbH ("**FMS-SG**") was entered in the commercial register of Munich (HRB 198697) on 10 May 2012 as a wholly-owned subsidiary of FMS-WM. Upon the end of the cooperation agreement between FMS-WM and Deutsche Pfandbriefbank AG ("**pbb**") on the management of the Risk Portfolio of FMS-WM, FMS-SG took over the management of the Risk Portfolio as of October 2013. Pursuant to the articles of association, the purpose of FMS-SG is inter alia, the brokering of transactions relating to the acquisition and sale of financial instruments, the provision of personal recommendations to clients or their representatives relating to transactions in specific financial instruments, the acquisition and sale of financial instruments in the name of others for the account of others, the management of individual assets invested in financial instruments for others with decision-making powers as well as the management of other book assets and the provision of all related services.

FMS-SG provides services for FMS-WM for loan receivables, bonds and derivatives in the areas of real estate, infrastructure and project financing, public sector financing and structured products. The range of services includes credit analyses, asset restructurings, workouts, portfolio reporting, the processing of payment transactions and the monitoring of payment arrears. In addition, FMS-SG supports FMS-WM in other areas, such as the processing of travel expense reports for FMS-WM employees and financial accounting. Information about the FMS-WM can be found under the link www.fms-wm.de. There you will find information on data protection under the heading "Data protection".

Other purposes of the processing of personal data by FMS-SG are:

- Personnel data management
- Job applicant data management
- Supplier, investor and service provider data management

¹ Available for viewing at <https://www.fms-wm.de/de/downloadcenter-de/investoren/konstituierende-dokumente/160-statut-der-fms-wertmanagement-aer-2/file>

4. Groups of data subjects, the relevant data or data categories, and the respective legal basis

To comply with the purposes set out in section 3 above, the data and/or data categories listed below are mainly collected, processed and used in relation to the groups of data subjects below based on the legal basis as shown below:

Groups of data subjects	Data and/or data categories	Legal basis
Borrowers, jointly-liable persons and security providers (including the beneficial owners [including the fictional beneficial owners])	<ul style="list-style-type: none"> ○ Name data ○ Address and communications data ○ Business and contract data, accounting and performance data, bank account data ○ Data with credit rating relevance (e.g. statements of assets, income tax assessment/declarations, balance sheets, rent statements, liquidity overviews, income statements) ○ Outstanding loan amount, interest rate ○ Address and function data of commercial lessees of real estate used as loan security ○ Data relating to visits, if any, of contact persons to FMS-SG: second name, first name, date of visit, company, contact person at FMS-SG 	Art. 6 (1) b) GDPR ² (loan agreement between borrower and FMS-WM (pbb)); Art. 6 (1) c) GDPR in combination with KWG (German Banking Act) (check of creditworthiness) and GWG (KYC-check resp. identification in accordance with GWG); Art. 6 (1) f) GDPR (as far as data are collected in the course of visits of the borrowers, the legitimate interest of FMS-SG is to ensure that only authorised persons are present in its premises. In addition, FMS-SG must be able to track who has been in its premises and when; as far as the processing of data of representatives of borrowers being legal persons is concerned, the legitimate interest of FMS-SG is the necessity to communicate with the borrower) fulfilment of duties vis-à-vis FMS-WM

² Available for viewing at <http://eur-lex.europa.eu>.

	<ul style="list-style-type: none"> ○ Data in the context of identification of persons pursuant to the Money Laundering Act (Geldwäschegesetz/GwG): All data in accordance with §§ 10, 11, 12 GWG, in particular: second name, first name, place of birth, date of birth, nationality, residential address, origin of assets, in case of “PEPs” (politically exposed persons) political office and, in case of related persons, family relationship 	
Job applicants	<ul style="list-style-type: none"> ○ Name data ○ Address and communications data ○ Data in connection with visits, if any (job interview) by contact persons to FMS-SG: second name, first name, date of visit, contact person FMS-SG ○ Data relevant for the application: date of birth, marital status, citizenship, training, information on the occupational career, testimonials and qualifications, curriculum vitae (with the candidate’s photo, if applicable) ○ Account number in the context of travel expense reimbursement 	<p>Art. 6 (1) b) GDPR and sec. 26 BDSG (neu) (German Federal Data Protection Act (new));</p> <p>Art. 6 (1) f) GDPR (as far as data are collected in the course of visits of the borrowers, the legitimate interest of FMS-SG is to ensure that only authorised persons are present in its premises. In addition, FMS-SG must be able to track who has been in its premises and when)</p> <p>Art. 6 (1) c) GDPR</p>
Suppliers, service providers and investors	<ul style="list-style-type: none"> ○ Name data of the contact persons ○ Address and communications data ○ Transaction and contract 	<p>Art. 6 (1) b) GDPR (contract between FMS-SG and the supplier / service provider);</p> <p>Art. 6 (1) f) GDPR (as far as data are collected in the course</p>

	<p>data, accounting and performance data, bank account data</p> <ul style="list-style-type: none"> ○ Handling and control of services and deliveries ○ References, qualifications and remuneration of the assigned consultants ○ Data in connection with visits, if any, by contact persons to FMS-SG: second name, first name, date of visit, company, contact person at FMS-SG ○ Data in the context of identification pursuant to the Money Laundering Act: All data from §§ 10, 11, 12 GWG, in particular: surname, first name, place of birth, date of birth, nationality, address, origin of assets, if applicable (in the case of so-called "PEPs" [politically exposed persons]), political office and, if applicable, family relationship in the case of related persons 	<p>of visits of representatives of suppliers / service providers / investors, the legitimate interest of FMS-SG is to ensure that only authorised persons are present in its premises. In addition, FMS-SG must be able to track who has been in its premises and when; as far as the processing of data of representatives of suppliers / service providers / investors being legal persons is concerned, the legitimate interest of FMS-SG is the necessity to communicate with the supplier / service provider / investor);</p> <p>Art. 6 (1) c) GDPR in combination with GWG</p>
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5. Recipients or categories of recipients to whom data may be disclosed

The personal data relating to the groups of data subjects are mainly transferred to the following recipients in compliance with the purposes mentioned in section 4 above:

Groups of data subjects	Recipients or categories of recipients
Borrowers, jointly-liable persons and security providers (including the beneficial owners [including the fictional beneficial owners])	<ul style="list-style-type: none"> ○ Internal bodies involved in the implementation of the respective transaction processes (particularly Asset Management, bookkeeping, tax, legal and IT departments) ○ Public bodies receiving the data based on statutory regulations (e.g. finance authorities, financial supervision (in particular BaFin), law enforcement authorities, if applicable) ○ External bodies such as affiliated companies and external contractors to the extent as involved in the loan processing and contract performance ○ To the extent legally permitted, buyers of loans / data trustee
Job applicants	<ul style="list-style-type: none"> ○ Internal bodies involved in the implementation of the respective transaction processes (e.g. human resources department, heads of human resources departments of the respective speciality departments, Works Council) ○ External service providers (e.g. service providers to carry out a potential analysis, recruitment agency)
Suppliers, service providers, banks and investors	<ul style="list-style-type: none"> ○ Internal bodies involved in the implementation of the respective transaction processes (e.g., bookkeeping, accounting and IT departments) ○ Public bodies receiving the data based on statutory regulations (e.g. finance authorities, German Federal Supreme Audit Institution (Bundesrechnungshof), law enforcement authorities, if applicable) ○ External bodies such as affiliated companies and external contractors, e.g. logistics partner or computation centre, chartered accountant

6. Standard time limits for the erasure of data

The legislator issued many and varied preservation duties and retention periods. Upon the lapse of such periods, the relevant data are erased on a routine basis if they are no longer required for the performance of the contract. Accordingly, the data with commercial law relevance or financial impact of a completed financial year are erased after further ten years, unless longer periods of retention are compulsory or required for justified reasons. Shorter periods of erasure are used in special fields (e.g. in the human resources area such as rejected applications or warnings). Data not subject to the above rules are erased when the purposes specified in section 3 above cease to apply.

7. Planned data transfer to third countries

Data transfers to third countries occur only in the context of performance of the contract, required communications, as well as other exceptions expressly provided in the GDPR. In any other respect, there will be no transfer to third countries; such transfer is not planned, either.

8. Rights of Data Subjects

By law, we are obliged to inform you about your rights under the GDPR. We explain these rights to you below. You are entitled to these rights under the conditions of the respective data protection regulations. The following description does not grant you any further rights:

a) Information

You have the right to request confirmation as to whether personal data concerning you is being processed. If this is the case, you have the right to be informed about these personal data as well as further information, e.g. the processing purposes, the recipients and the planned duration of storage or the criteria for determining the duration (Art. 15 GDPR).

b) Correction and completion

You have the right to request the correction of inaccurate data without delay. Taking into account the purposes of the processing, you also have the right to request the completion of incomplete data (Article 16 GDPR).

c) Deletion

You have the right to have your data deleted if the processing is no longer necessary. This is the case, for example, if the data is no longer necessary for the original purposes, you have revoked your declaration of consent under data protection law or the data was processed unlawfully (Art. 17 GDPR).

d) Restriction of processing

You have the right to restrict processing, e.g. if you believe that the personal data is inaccurate (Article 18 GDPR).

e) Data portability

You have the right to receive the personal data concerning you that you have provided to us in a structured, common and machine-readable format (Art. 20 GDPR).

f) Revocation of consent

Every data subject may revoke consent to the processing of their personal data at any time with effect for the future. This also applies to data protection consents that you gave us before the GDPR came into force. However, the lawfulness of the processing carried out until the revocation is not affected by this.

g) Right to complain with the supervisory authority

Each data subject has the right to complain with the appropriate data protection supervisory authority (Art. 77 GDPR), i.e. particularly with the supervisory authority in the member state where the place of abode of the data subject is located or with the supervisory authority responsible for FMS-SG:

Bayerisches Landesamt für Datenschutzaufsicht (BayLDA)
Promenade 27
91522 Ansbach
Telefon: +49 (0) 981 53 1300
Telefax: +49 (0) 981 53 98 1300
E-Mail: poststelle@lda.bayern.de

9. NOTICE OF RIGHT OF OBJECTION

You also have the right to object to the processing of data relating to you at any time on grounds relating to your particular situation, insofar as we base the processing on Article 6 (1) (e) or (f) GDPR. We will then no longer process this data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves the assertion, exercise or defence of legal claims (Art. 21 GDPR).

10. Background of the provision of personal data

The provision of personal data can be required by law or contract or for entering into a contract. Moreover, there may be a duty to provide the personal data. In specific cases, the data protection officer (section 2.) is available for clarification.

11. Automated taking of decisions, including profiling

There will be no automated taking of decisions, including profiling.

12. Further processing of the personal data

FMS-SG does not intend to further process the collected personal data for a purpose other than the one for which they were collected.

13. Changes to this information

This information is current as of August 2022. Due to changes in our activities and / or our services or due to changes in legal or regulatory requirements, it may become necessary to change the information. You can access and print out the current data protection information on the intranet at any time.