

Privacy Policy for Customers and interested Customers

Data protection is important for us - please take note of the following Privacy Policy.

Below you can find an overview of the collection and processing of your personal data by Luzerner Kantonalbank AG (LUKB) as well as any rights you may have under the applicable data protection law.

This Privacy Policy is based on Swiss data protection law and the relevant provisions of the European Union General Data Protection Regulation (EU GDPR). The issue as to whether and to what extent these laws are applicable is dependent upon the circumstances of the specific individual case.

Personal data means any information concerning an identified or identifiable person. Processing means any handling of data, irrespective of the instruments and procedures used. The issue as to which specific data we process in each individual case is dependent upon the services that are requested by you, agreed upon with you and/or used by you.

We invite you to familiarise yourself with the information set out below concerning data protection, or to request any third parties to do so, should you provide us with the personal data of any other persons.

1. Who is responsible for the processing of personal data and whom can you contact?

Luzerner Kantonalbank AG, Pilatusstrasse 12, 6003 Lucerne, is responsible for the processing of personal data by LUKB. Please submit any questions or requests for information concerning data protection either by letter or email to the LUKB Data Protection Officer:

Luzerner Kantonalbank AG
Legal & Compliance
Data Protection Officer
Pilatusstrasse 12
6003 Lucerne
datenschutz@lukb.ch

2. What categories of personal data do we process and where do we collect this data?

On the one hand, we process personal data provided to us by existing or interested clients within the ambit of the (prospective) business relationship. On the other hand, we process personal data that we lawfully obtain from publicly accessible sources (e.g. registers of debtors, land registers, commercial registers, the press or the internet) or that is legitimately transmitted to us by other third parties (e.g. from third party banks, an authority or official body, a credit agency or cooperation partners), as far as this is necessary for the provision of our services.

We process in particular the following categories of personal data: personal information (surname, first name, date of birth, nationality, address and other contact data), identification data (e.g. details of official identity document), data concerning the relationship (e.g. contract number or information on the account, deposit account or concluded transactions) and authentication data (e.g. specimen signature). In addition, we may also process order data (e.g. data relating to payment orders), data concerning compliance with contractual obligations (e.g. volume of payment transactions), information about your financial circumstances (e.g. data concerning creditworthiness, scoring/rating data, and the origin of assets), advertising and marketing data (including advertising scores), documentation data (e.g. regarding any consultation) as well as any other data comparable to the categories indicated.

LUKB may process particularly sensitive data for the purpose of providing its services or under the terms of a legal obligation (such as e.g. biometric data for the purpose of accessing applications or facilities). As a general rule, data of this type are only collected and processed if absolutely necessary.

Please refer to the privacy policy of the relevant service or application (e.g. www.funders.ch, www.strukturierteprodukte.lukb.ch, LUKB apps or other apps such as e.g. VisecaOne or Twint) for information concerning the data processing in relation to the usage of digital services that also incorporate some data from third party sources (e.g. marketing data, technical data or data from credit card providers).

3. For what purposes and on what basis do we process personal data?

We process personal data in accordance with the relevant data protection law (see *inter alia* also Article 6 of the Swiss Data Protection Act (*Datenschutzgesetz*, DSG) and, insofar as applicable, Articles 5 and 6 EU GDPR):

a. For the fulfilment of contractual obligations

Personal data is processed in the first instance for the purpose of concluding and performing contracts within the ambit of the services offered by us as a universal bank. The relevant purpose is determined in accordance with the specific product (e.g. account, deposits, securities, loans) or the specific service. These may also include, *inter alia*, analyses of needs, advice, asset management and support as well as the execution of transactions. Further information concerning this aspect can be found on our homepage, as well as in factsheets, contractual documentation and terms and conditions of business.

b. On the basis of legitimate interests

Where necessary, we process personal data beyond the actual fulfilment of the contract in order to uphold our legitimate interests or those of third parties, such as for instance:

- the exchange of data with credit agencies for the purpose of establishing creditworthiness or credit default risks (e.g. debt enforcement office, Central Office for Credit Information (*Zentralstelle für Kreditinformation*, ZEK) or Consumer Credit Information Office (*Informationsstelle für Konsumkredit*, IKO));
- the examination and optimisation of procedures for analysing needs for the purpose of direct client engagement and/or acquisition;
- advertising or market and opinion research, unless usage of data has been objected to;
- the establishment of legal claims and defence within litigation;
- guaranteeing IT security and the IT operations of LUKB;
- the prevention and investigation of crime, measures to ensure facility rules including video monitoring, the collection of evidence in the event of attacks and other offences or as proof of outgoing and incoming payments (e.g. at ATMs) as well as measures relating to building and facility security (e.g. access controls);
- measures relating to business and risk management within LUKB as well as the further development of services and products.

We also obtain personal data from publicly accessible sources for the purpose of client acquisition. Data obtained from third parties may be cross-referenced with the data collected by us for direct marketing purposes.

c. On the basis of your consent

In addition, we may process personal data for particular purposes (e.g. assessment for marketing purposes or product improvement) on the basis of your consent. Any consent granted may be withdrawn at any time. The withdrawal of consent will be relevant for future processing and will not affect the lawfulness of any data processing occurring before consent was withdrawn.

d. In accordance with legal requirements or in the public interest

As a bank we are subject to numerous legal obligations. These include, *inter alia*, legal, professional and banking supervisory rules and requirements (e.g. the Swiss Banking Act (*Bankengesetz*, BankG), the Swiss Financial Market Infrastructure Act (*Finanzmarktinfrastukturgesetz*, FinfraG), the Swiss Collective Investment Schemes Act (*Kollektivanlagengesetz*, KaG), the Swiss Anti-Money Laundering Act (*Geldwäschereigesetz*, GwG), tax legislation (including the automatic exchange of information Swiss Federal Act on the Automatic Exchange of Information in Tax Matters, (*Bundesgesetz über den internationalen automatischen Informationsaustausch in Steuersachen*, AIAG)), the ordinances and circulars of the Swiss Financial Market Supervisory Authority FINMA, the guidelines of the Swiss Bankers Association or the requirements of the Swiss National Bank). The purposes of processing include, *inter alia*, creditworthiness checks, identity and age checks, the prevention of fraud and money laundering, compliance with control and reporting duties under tax law and risk assessment and management within LUKB.

4. Does any profiling or automated decision-making take place?

In order to assess particular personal aspects, we process some personal data by automated means (profiling), for example in the following cases:

- We are obliged to do so, *inter alia*, for the purpose of combatting money laundering, the financing of terrorism and crimes against property. Data assessments are carried out for this purpose (*inter alia* in relation to payment transactions). The purpose of these measures is also to protect clients.
- We use “scoring” as part of the assessment of a client’s creditworthiness. Using various data (e.g. income situation, expenditure, current financial commitments, occupation, employer, duration of employment, experience under the existing business relationship, repayment in accordance with the contract of previous loans or information obtained from credit reference agencies) the likelihood that a client will comply with their payment obligations under a contract is calculated, using a mathematically and statistically recognised and tried and tested procedure. The results support us, in some cases, in deciding whether to provide a product and are incorporated into ongoing risk management.
- For the purpose of drawing up individual offers as well as advertising, market and opinion research, for providing you with advice tailored to your needs as well as for targeted communication.

As a general rule, we do not use automated decision-making in relation to the establishment and management of business relationships. Should we use any such procedure, we shall inform you separately, where we are required to do so by law.

5. Who receives your data?

Within LUKB your personal data may be accessed by any persons who require them in order to fulfill our contractual and legal obligations. These persons include, alongside our own employees, also the service providers and auxiliary agents appointed by us (including in particular “data processors”). These include in particular companies that provide services in the fields of banking, marketing, IT, logistics, printing, telecommunications, collection and advice. They are involved in accordance with the provisions of banking and data protection law. They are obliged, *inter alia*, to uphold banking secrecy and to comply with the requirements of data protection law.

As a general rule, LUKB is obliged according to law and under the terms of contractual agreements (see also the General Terms and Conditions contained in the Basic Documents) to treat as confidential all facts and assessments relating to clients of which it may become aware (bank-client confidentiality). Personal data is therefore only processed if there is a legal basis (in particular a statutory basis), on the basis of consent by the data subject (e.g. in order to execute a financial transaction instructed) or if it is permitted to share banking information with a third party. Subject to these prerequisites, personal data may for instance be shared with the following recipients:

- official bodies in the event that there is a statutory or other legal basis or obligation (e.g. criminal prosecution authorities, supervisory authorities (in particular FINMA), debt enforcement and bankruptcy offices, inheritance authorities and child and adult protection authorities);
- credit and financial services institutions or comparable establishments to which we transmit personal data in relation to the implementation of the business relationship (e.g. correspondent banks, custodian banks, brokers, stock exchange, credit reference agencies);
- beneficiaries, authorised signatories for the account and other parties to a transaction, settlement bodies for payments and securities trading (with an international aspect).

6. Is personal data transmitted to third countries?

The persons and bodies that receive and process personal data in accordance with section 5 may also be situated abroad. Data is transmitted to bodies situated in countries outside Switzerland, where:

- it is necessary in order to execute your orders (e.g. payment and securities orders);
- it is required by law (e.g. reporting obligations under tax law);
- it is necessary for the conduct of procedures abroad;
- it is necessary on account of the involvement of service providers (data processors); or
- there is another legal basis for doing so (e.g. data subject has consented).

In the event that data is transmitted to a country without an adequate level of data protection, data protection measures are implemented (e.g. encryption, pseudonymisation or the imposition of a contractual duty of confidentiality and to comply with the applicable data protection law, e.g. using the standard contractual clauses of the EU).

Please refer also to the respective information bulletin of the Swiss Bankers Association (SBA) with regard to the transmission of data in relation to international payment transactions and investments in foreign securities.

7. How long will the personal data be stored?

We process and store personal data for as long as this is necessary for the fulfilment of the purposes or our contractual and legal obligations. It should be noted in this regard that a business relationship with a client generally involves an ongoing obligation continuing for a number of years. If personal data is no longer necessary, they are regularly erased – where this is technically possible – unless their temporary further processing is necessary for the following purposes:

- compliance with statutory and/or regulatory retention requirements (in particular under the Swiss Code of Obligations (*Obligationenrecht*, OR), the Swiss Value Added Tax Act (*Mehrwertsteuergesetz*, MWSTG), the Swiss Federal Act on Direct Federal Taxation (*Bundesgesetz über die direkte Bundessteuer*, DBG), the Swiss Federal Act on the Harmonisation of Direct Taxation at Cantonal and Communal Levels (*Bundesgesetz über die Harmonisierung der direkten Steuern der Kantone and Gemeinden*, StHG), the Swiss Federal Act on Stamp Duties (*Bundesgesetz über die Stempelabgaben*, StG), the Swiss Anti-Money Laundering Act (*Geldwäschereigesetz*, GwG) or the Swiss Withholding Tax Act (*Verrechnungssteuergesetz*, VStG));
- storage for a particular period of time or on an open-ended basis may be necessary for the establishment, exercise or defence of claims or due to special retention requirements.

8. How is personal data protected?

LUKB implements appropriate technical and organisational security measures in order to protect your data against loss, misuse, unauthorised access, alteration or disclosure. These measures include specifically the issue of directives, the conduct of training and checks, data carrier encryption, encrypted transmission, IT and network security solutions, access controls and restrictions or regular data backups.

In addition, where necessary, LUKB regularly concludes data processing agreements with its suppliers. These subject suppliers to contractual obligations, *inter alia*, to comply in particular with the applicable data protection law, to uphold confidentiality and to implement sufficient technical and organisational measures in relation to data security. In addition, any supplier of LUKB must state immediately if they become aware of any privacy or data security breach involving relevant data (data breach).

LUKB shall notify the Federal Data Protection and Information Commissioner as soon as possible of a data breach that is likely to result in a high risk to the personality or to the fundamental rights of a data subject. LUKB may inform the persons concerned in accordance with the applicable regulations if it is necessary for their protection or upon request of the Federal Data Protection and Information Commissioner.

9. Are you under any obligation to provide personal data?

You need to provide the personal data that are necessary for the establishment and implementation of the business relationship. As a general rule, if we do not receive these data we will not be able to enter into a contract with you, to provide the services desired by you or to provide products to you. We may also be obliged by law to collect personal data. In particular, we are obliged under the law on money laundering to identify you before the business relationship is established with reference to an official identity document, and to collect and store information such as your name, place of birth, date of birth, nationality, address and other identification data. In order to enable us to comply with this legal obligation, you are obliged under the Swiss Anti-Money Laundering Act to provide us with the necessary information and documents and to inform us concerning any changes that may occur during the course of the business relationship immediately. Should you fail to provide us with the necessary documents and information, we are not permitted to establish or continue the business relationship.

10. What rights to data subjects have under data protection law?

Under the terms of the applicable data protection law and insofar as provided for thereunder, each data subject has the right to information, the right to correction, the right to deletion, the right to restriction of processing, the right to object to data processing (in particular to direct marketing or profiling for direct advertising purposes) and - insofar as applicable - the right to data portability.

Please note that, in such situation and under certain circumstances, we may no longer be able to provide services and to maintain a business relationship.

LUKB reserves the right to invoke the restrictions provided for by law, for instance if it is obliged to store or process certain data, if it has an overriding interest (insofar as it is permitted to rely on it), if it is able to demonstrate compelling legitimate grounds for processing that override your interests, rights and freedoms, or if it requires the personal data for the establishment, exercise or defence of claims.

Please contact the body referred to in section 1 or your client advisor in order to exercise your rights. Each data subject also has, where applicable, the right to enforce their claims through court action or to involve the competent data protection authority. The competent data protection authority in Switzerland is the Federal Data Protection and Information Commissioner (www.edoeb.admin.ch).

11. Version and amendment of this Privacy Policy

The relevant up-to-date and valid version of this Privacy Policy is published on the LUKB homepage in the section "Rechtliches" ("Legal"). LUKB reserves the right to amend this Privacy Policy at any time without prior notice.

Version: valid as at 1 September 2023