

## 1. Introduction

The purpose of this notice is to provide information on the Bank's processing of recordings of telephone conversations (audiotapes of the contents of telephone conversations received and made by the Bank as well as internal calls within the Bank) in relation to data subjects (clients, prospects, employees, candidates, external service providers, suppliers, etc.).

## 2. Data controller

The data controller for the recording of telephone conversations is the Bank (including its branches and subsidiaries), in accordance with 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, hereinafter referred to as the "GDPR").

The Bank's registered office is located at the following address:

14 boulevard Royal  
L-2449 Luxembourg  
Telephone: (+352) 49 924-1

## 3. Contact person

If you have any questions regarding personal data protection please contact our Data Protection Officer:

- by email at [dpo@bd.l.lu](mailto:dpo@bd.l.lu)
- by post at the following address:

Banque de Luxembourg  
For the attention of the Data Protection Officer  
14 Boulevard Royal  
L-2449 Luxembourg

## 4. The purposes and legal bases of the data processing

Telephone conversations are recorded in order to fight against fraud, as well as to participate in the constitution of evidence in the event of any disputes or objections, to support the execution in good faith of transactions by the Bank, and of its legal, regulatory and contractual obligations.

Accordingly, the Bank collects and processes the personal data derived from recorded telephone conversations that is necessary to carry out its business.

The purposes of the processing are as follows:

- to collect the required proof in the event of disputes regarding business transactions or communications relating to any service provided, or business operations or transactions executed by the Bank on behalf of the Client;
- to capture data regarding negotiations, operations, arbitrages, transactions, etc.;
- to verify business commitments entered into by telephone;
- to confirm stock market order details/instructions (sale, purchase, subscription, delivery, etc.);
- to replay the instructions;
- to combat fraud;
- to improve the quality of our services.

The legal bases for the processing are as follows:

- Compliance with a legal obligation to which the Bank is subject (GDPR Article 6.1(c)), specifically:
  - the obligation to ensure adequate internal controls as required by Article 37(1) paragraphs 6 and 6(a) of the Luxembourg Law of 5 April 1993 on the financial sector, as amended, with the objective of protecting investors, guaranteeing the integrity of markets (prevention of market abuses), and ensuring the transparency of financial markets (MiFIR),
  - specifically under the Luxembourg Law of 30 May 2018 on markets in financial instruments (MiFID II), such as the receipt, transmission and execution of investment orders and advisory services;
- The performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; (GDPR Article. 6.1(b));
- For the purposes of the legitimate interests pursued by the Bank (GDPR Article 6.1(f)) in particular in combating internal or external fraud.

## 5. Data minimisation

The Bank only records what is strictly necessary to achieve the intended purposes (adequate, relevant and strictly necessary data) and applies the principle of proportionality to all processing operations in connection with recordings of telephone conversations.

Related data: the time, date and length of calls together with phone numbers (where available) will be kept.

## 6. Categories of processed data

Processed data includes audio recordings of phone calls received or made by the Bank or calls made internally within the Bank together with the related data such as the caller's number, the number called, and the date/time and length of the conversation.

## 7. Categories of processed data recipient

As a banking institution, we are bound by professional secrecy and can only share data under strict conditions.

The Bank is required to share data in instances where professional secrecy is waived by the law and particularly with regards to third parties expressly entitled by the law to access certain data contained in public or private records; such third parties include the tax authorities, supervisory authorities (CSSF, CNPD, etc.), the police or competent legal authorities in the context of a criminal procedure, or another type of procedure if the Bank needs to protect its interests in court.

All conversations are recorded and kept in secure conditions within our data centres in Luxembourg.

## 8 Data retention period

Data derived from recordings of telephone conversations is kept for a maximum period of 10 years. However, the data retention period may be extended in the event of an incident, offence or ongoing legal proceedings. This data will then be deleted without undue delay if it is no longer needed to achieve the aim for which it was collected.

## 9. Transparency

When the Bank makes an audio recording, data subjects are informed of this by:

- a message at the start of the call
- information in the Bank's General Terms and Conditions.
- information in certain Special Terms and Conditions
- a detailed information notice available on the Bank's website (hereinafter the "notice")

## 10. Data protection

The Bank has established suitable technical and organisational measures to guarantee the security and confidentiality of the data being processed.

Our subcontractors are required to comply with the security measures that we define.

## 11. Your rights

Subject to the conditions and limits stipulated by the legislative and regulatory provisions, data subjects have a certain number of rights regarding the processing of their personal data. Please contact our Data Protection Officer with any requests in this regard.

Firstly, you have a right to information and are therefore entitled to receive further information not included in this notice.

You also have the right to ask the Bank for access to audio recordings of telephone conversations of you as data subject and to obtain a copy of the recording by sending a written request to the Data Protection Officer.

You also have the right to rectify or erase such data, to limit processing in relation to you as data subject, to object to data processing, and to data portability.

To enable you to exercise your rights, we may ask you to state the data and exact date and time of the audio recording of telephone conversations to which your request relates before providing the data.

For identification purposes and in case of reasonable doubt, the person making the request will need to provide a copy of their identity document.

## 12. Automated decision-making including profiling

The Bank does not engage in automated decision-making, including profiling.

## 13. Complaints

If you feel that your data has not been processed in accordance with the GDPR, you can file a complaint with our Data Protection Officer.

You also have the right to make a complaint regarding the Bank's processing of your personal data with the National Commission for Data Protection (CNPD) on the website <https://cnpd.public.lu/en/particuliers/faire-valoir/formulaire-plainte.html> or by post:

Commission nationale pour la protection des données  
Service des réclamations  
15, Boulevard du Jazz  
L-4370 Belvaux, Luxembourg

## 14. Updates

This information notice may be amended to ensure better protection of your personal data. The latest version is available on the Bank's website.