

# APPENDIX – INFORMATION NOTICE - PERSONAL DATA PROTECTION POLICY

This information notice on the protection of personal data has been prepared to explain how XPOLLENS collects and processes, in its capacity as data controller, personal data. .

XPOLLENS provides a technical and banking solution that integrates a full range of payment services, from the keeping of payment accounts to the issuance of payment cards. As part of these services, XPOLLENS acts as an Electronic Money Institution and is therefore subject to the provisions of the French monetary and financial code (*Code Monétaire et Financier*).

This service necessarily involves the collection of personal data so that XPOLLENS can comply with the anti-money laundering and counter-terrorist financing obligations that apply to it in its capacity as an Electronic Money Institution.

In this information notice and in accordance with the provisions of the GDPR, “personal data” refers to information that relates to an identified natural person or one who can be identified directly or indirectly by referring to this data, and the term “processing” refers to an operation or set of operations that relate(s) to personal data, regardless of the process used.

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## 1. WHO COLLECTS YOUR PERSONAL DATA?

XPOLLENS collect and process your personal data in order to put in place the services distributed by VISA on the communication channels chosen by VISA. In this capacity, we act as **DATA CONTROLLER**. We do not act alone to perform these services. We are part of a larger group of companies that make up Groupe BPCE, and we also partner other companies.

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All of these companies may play a part in the performance of the services provided to you and will ensure compliance with the same principles. To do this, they may have access to your personal data for the specific purposes related to the products and services to which you have subscribed.

## 2. HOW DO WE OBTAIN YOUR PERSONAL DATA?

The concept of “*personal data*” is broad and refers to any information relating to an identified natural person or one who can be identified, directly or indirectly, through reference to an identification number or one or more elements specific to that person.

The personal data collected from subscriptions to this Service concerns the following natural persons: you and any of your legal representatives, agents or contact persons.

The personal data that will be held about you is as follows:

- Identification data such as your last name(s), first name(s), postal address, telephone number(s), email address(es), etc.;
- Banking and financial data such as your BIC and IBAN, bank card payment data;
- Connection data (IP address, etc.);
- Certain information about the connection hardware used (computer, mobile device) to facilitate system administration, combat fraud, maintain service quality and provide general statistics concerning their use

This personal data is collected:

- Directly from you when you subscribe to the Services distributed by VISA on the various communication channels chosen by VISA;
- Potentially from third-party service providers or suppliers, partners, subcontractors where this is allowed by their personal data protection policies, or where you have authorised them to access your data;
- Potentially via open source searches of public data

### EXCLUSION OF CERTAIN CATEGORIES OF PERSONAL DATA

Certain categories of personal data that reveal racial or ethnic origin, religious or philosophical beliefs, genetic data, biometric data for the purpose of uniquely identifying a natural person, personal data relating to health, or personal data relating to the sex life or

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sexual orientation of a natural person will not be processed under any circumstances within the framework of this Service.

Unless required by law, XPOLLENS does not collect any personal data that falls into these specific categories.

In any event, should we need to process any such specific categories of personal data, and provided that this is not prohibited by the laws and regulations in force, we will first need to obtain your consent.

### **3. WHO HAS ACCESS TO YOUR DATA?**

As an electronic money institution, we are bound by professional secrecy rules and may only share your data under strict conditions or with your consent.

This same principle of secrecy and confidentiality applies to all stakeholders involved, be they our employees, our service providers, our partners or their staff.

Your data may be transmitted to or accessible by:

- The subsidiaries and branches of Groupe BPCE in France and the European Union, to which XPOLLENS belongs;
- The subsidiaries and branches of Natixis in France and in the European Union, to which XPOLLENS belongs;
- Our service providers, for the sole purpose of carrying out the processing for which the data was initially collected. Accordingly, our service providers are personal data processors within the meaning of the regulations. They act on our instructions and on our behalf. They are not permitted to sell or disclose the data to other third parties;
- Business and banking partners, including VISA and its relevant subsidiaries and branches,
- Members of certain regulated professions such as lawyers, notaries or statutory auditors;
- An authorised public, administrative or judicial supervisory authority or third party appointed in order to comply with the legal, regulatory, statutory or contractual obligations to which we, VISA or its relevant subsidiary or branch are subject.

### **4. WHY DO WE PROCESS YOUR PERSONAL DATA?**

The data processing carried out by XPOLLENS has an explicit, legitimate and specific purpose. As part of the relationship we have entered into with you, we use all or part of your personal data for the purposes described below and on the following grounds:

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- To perform the contract relating to the Service you have signed up for as an existing customer or as a prospect;
- To fulfil our legal and regulatory obligations, particularly in relation to efforts to combat money laundering and terrorist financing, legislation regarding international sanctions and embargoes, efforts to tackle fraud, etc.;
- To serve our legitimate interests in order to establish and develop our services, optimise risk management or defend our interests in court;
- To implement certain processing operations with your consent and for formally identified purposes.

### Specific processing operations

XPOLLENS may use profiling for certain purposes.

Profiling involves using personal data to assess certain aspects of a person, to analyse or predict their interests, behaviour or other attributes. XPOLLENS may conduct profiling that may produce legal effects with regard to the Person, resulting in a decision such as a score relating to your exposure to the risk of Corruption. In this case, assessments will only help with decision-making. Human intervention is always possible. These profiling processes involve measures and guarantees that ensure a balance between the legitimate interest of XPOLLENS and your interests and fundamental rights.

## 5. HOW LONG DO WE KEEP YOUR DATA?

**Personal data collected for the purposes of managing a contract:** the data will be kept for the time required to perform the contract and until the expiry of the time limits that apply in such cases.

Pursuant to the regulations that apply to Electronic Money Institutions, and starting from the first transaction that will be carried out, different time limits will apply to the retention of data:

- in accordance with the provisions of the French commercial code (*Code de Commerce*), accounting documents and supporting documents must be kept for a period of ten (10) years. The personal data necessary for the performance of this obligation will therefore be retained for this amount of time. The 10-year period generally begins on the transaction date. For example, for a transaction recorded on your electronic money Card, the data retention period will be ten (10 ) years beginning on the transaction date;
- the statutory limitation period under ordinary law in civil and commercial matters is five (5) years. For example, data relating to subscription to the service will be retained for a period of five (5) years from the date on which your account has been closed or your relationship with our institution has been terminated;
- there is a 5-year time limit under specific legislation, such as legislation in place to combat money laundering and terrorist financing;
- there is a 5-year time limit on the retention of data relating to the purpose pursued and anti-fraud measures;

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- the data required to identify the accounts of deceased persons will be kept for a maximum of thirty (30) years, according to the circumstances provided for by the regulations in force.

These time limits may be longer in certain specific situations when required by the regulations in force. They may also be longer in the event of legal action. In such cases, the data will be kept until the end of the legal proceedings and then archived for the applicable statutory limitation period.

In any event, where personal data is collected for several purposes, it will be retained until the longest retention or archiving period has elapsed.

Once the purposes of the data processing have been achieved, and taking into account any legal or regulatory obligations that might require us to retain certain data, we will delete or anonymise your data.

## 6. HOW DO WE KEEP YOUR DATA SAFE AND PRIVATE?

Respect for privacy and banking secrecy, data security and confidentiality, particularly with respect to the personal data entrusted to us by our customers, is a priority for us.

Given the nature of personal data and the risks presented by the processing thereof, we take the necessary technical and organisational measures to safeguard the security of your data and, in particular, to prevent your data from being distorted, damaged or accessed by unauthorised third parties or to prevent any improper use thereof.

Accordingly, we will take all necessary physical security, technical and organisational measures to:

- protect our customers' personal data from any unauthorised access, modification, distortion, disclosure or destruction,
- protect our business.

We regularly conduct internal and external audits to ensure the security of personal data and to guard against any unauthorised access to our systems.

However, personal data security and privacy require that every individual follow best practices, which is why we ask you to be vigilant.

In order to keep your personal data private, we invite you to take all necessary measures, particularly when using the Internet, notably by erasing your web and app activity at the end of each session and, where you download this data to a management software, by prohibiting access thereto by unauthorised third parties. We invite you to read the security advice provided on the ANSSI (French national cybersecurity agency) website.

In keeping with our commitments, we carefully choose our subcontractors and service providers and require that they:

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- provide a level of personal data protection that is equivalent to the level that we ourselves provide,
- only access and use the personal data or information that is strictly necessary to perform the services they are required to provide,
- strictly comply with the legislation and regulations in force regarding confidentiality, banking secrecy and personal data,
- take all appropriate measures to ensure the protection of any personal data that they may be required to process,
- define the technical and organisational measures necessary to ensure data security.

In accordance with our statutory and regulatory obligations, we will ensure that the contracts we enter into with our subcontractors will precisely define the terms and conditions governing the processing of personal data.

## 7. WHERE IS YOUR DATA STORED?

Your personal data is stored in our information systems or in those of our subcontractors or service providers in the European Union.

We select subcontractors and service providers that satisfy quality and security criteria and provide sufficient guarantees, in particular when it comes to specialised knowledge, reliability and resources, for the implementation of technical and organisational measures, including in terms of processing security.

As such, we require that our subcontractors and service providers observe data privacy rules that are at least equivalent to the rules we observe ourselves.

### ***IS YOUR DATA TRANSFERRED TO OR ACCESSIBLE FROM A COUNTRY OUTSIDE THE EUROPEAN UNION?***

In accordance with the agreed purposes, your personal data may, during various operations, be transferred to a country within the European Union only.

This personal data may be communicated, at their request, to official bodies and authorised administrative or judicial authorities, or to third parties.

In all cases, we will take the necessary and appropriate measures to safeguard banking secrecy and keep your personal data secure.

## 8. YOUR RIGHTS

Within the limits and conditions permitted by the regulations in force, you may:

- **access** all your personal data,
- **have your personal data corrected, updated and erased**, on the understanding that erasure will only be permitted where:
  - the personal data is no longer necessary for the purposes for which it was collected or otherwise processed,

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- you have withdrawn the consent on which the processing was based,
- you have objected to the processing of your data and there is no compelling legitimate reason to continue it,
- the personal data has been processed unlawfully,
- the personal data must be erased in order to comply with a legal obligation that is provided for by European Union law or French law to which Xpollens is subject,
- **object** to the processing of your personal data for your own reasons,
- **object** to the processing of your personal data for marketing purposes,
- **receive** the personal data about you and which you provided to us, for the purposes of automated processing based on your consent or on the performance of a contract, and request the portability thereof,
- **request a restriction** on your personal data being processed where:
  - you dispute the accuracy of the personal data, for the time it takes for the controller to verify the accuracy of the personal data,
  - you object to the erasure of data concerning you, when the processing is unlawful,
  - we no longer need the data but it is still necessary for the establishment, exercise or defence of legal claims,
  - you have objected to your personal data being processed, during the time it takes for verifications to establish whether the legitimate grounds put forward by XPOLLENS prevail over yours,
- where processing is based on your consent, **withdraw this consent** at any time,
- **lodge a complaint** with a supervisory authority. In France, the supervisory authority is:
 

CNIL - 3 place de Fontenoy - TSA 80715 - 75334 PARIS CEDEX 07

[www.cnil.fr](http://www.cnil.fr)

In addition, you may provide us with instructions relating to the retention, erasure and communication of your data after your death. These instructions may also be registered with a “certified digital trusted third party”. You may designate a person in these instructions who will be responsible for their execution. These rights may not, however, infringe the rights of heirs or allow the communication of data to which only the heirs can legitimately have access.

## 9. HOW CAN YOU EXERCISE YOUR RIGHTS?

If you would like to learn more about the provisions laid out in this information notice, or contact our Data Protection Officer, you can write to us at the following address:

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**DPO des Entités du Métier Paiements (Xpollens DPO)**

**Secrétariat Général**

**Direction Sécurité Groupe / Sécurité des Métiers de la Communauté BPCE**

**50, avenue Pierre Mendès France - 75201 Paris Cedex 13**

Email: [dpo-xpollens@bpce.fr](mailto:dpo-xpollens@bpce.fr)

You may exercise your rights by contacting the XPOLLENS Data Protection Officer.

You must clearly indicate your last name(s) and first name(s) and the address to which you would like the reply to be sent. Please sign your request and enclose a photocopy of an identity document bearing your signature.

There is no cost involved in exercising your rights of access, rectification, opposition, erasure or your right to restrict processing and data portability.

If you exercise your right of access, we will provide you with a copy of the personal data that we process. Any request that is manifestly unfounded or excessive, particularly requests that are repetitive in nature, may lead us to require payment of a reasonable fee to cover the administrative costs incurred in providing the information, communicating the information or taking any measures requested, or lead us to refuse to respond to your request.

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