

## **Data Protection Information**

How we handle your data and your rights – information in accordance with Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR)

Dear customer,

We would like to inform you about how your personal data is processed by the Bremer Aufbau-Bank GmbH (Bremen Development Bank) and its subsidiary, BAB Beteiligungs- und Management Gesellschaft Bremen mbH (BAB holding and management company, referred to as "BBM" below) and your claims and rights as specified in data protection legislation. The services for which you apply or the services agreed with you will determine which data is processed and how this data is used.

### **1. Who is responsible for processing my data, and whom can I contact?**

Bremer Aufbau-Bank GmbH,  
Domshof 14/15  
28195 Bremen, Germany  
Telefon: +49 421 9600-40  
E-Mail: mail@bab-bremen.de

#### **1.1. Data protection officer contact data**

datenschutz nord GmbH  
Konsul-Smidt-Strasse 88  
28217 Bremen  
Telefon: +49 421 696632-0  
Telefax: +49 421 696632-11  
Email: office@datenschutz-nord.de  
Website: www.dsn-group.de

### **2. Why do we process your data and what is the legal basis for this processing?**

#### **2.1. To fulfil contractual obligations**

To award and process development loans, subsidies, share purchases and guarantees (details provided in the development documentation and the loan or shareholding contract).

Legal basis on which personal data is processed: point (b) of Art. 6(1) GDPR.

If, in accordance with point (b) of Art. 6(1) GDPR, the processing of personal data is necessary for fulfilling a contract in which the data subject is one of the contractual partners or to carry out pre-contractual measures at the request of the data subject.

In the context of its development activities, Bremer Aufbau-Bank GmbH will act on behalf of the Free Hanseatic City of Bremen (FHB) or for the Magistrate of the City of Bremerhaven.

#### **2.2. To fulfil legal obligations**

(creditworthiness check, fraud prevention, money laundering prevention, risk assessment)

Legal basis on which personal data is processed: Point (c) of Art. 6(1) GDPR in connection with the German Banking Act and German money-laundering legislation.

Due to legal and regulatory requirements, Bremer Aufbau-Bank GmbH is required to make its economic circumstances public and meet its disclosure obligations as specified by the FHB and the National Audit Office. As stated point (c) of Art. 6(1) GDPR, the processing of personal data is required to fulfil the legal obligations that the person responsible must meet.

### **2.3. To fulfil legitimate interests or for official authority**

Legal basis on which personal data is processed: Point (f) of Art. 6(1) GDPR.

As stated in point (f) of Art. 6(1) GDPR, personal data is processed in the legitimate interests of Bremer Aufbau-Bank GmbH or the FHB or the Magistrate and the Audit Office of the FHB or for the Bremerhaven Audit Office. Legitimate interests can be derived from the official authority and for the fulfilment of regulatory requirements and legal provisions.

Data about the tenant of the property being subsidised will also be collected and stored but only insofar as required to meet the conditions of the property subsidy. The funding recipient must obtain the tenant's consent.

### **2.4. Other processing purposes.**

Personal data will not be processed for any other purposes.

### **2.5. Why we process your data.**

Bremer Aufbau-Bank GmbH processes personal data to provide advice, prepare consultation documents, conclude contracts and process contractual agreements. We take this opportunity to emphasise that funding can only be provided if personal data can be processed and passed on to the relevant funding partner (European Regional Development Fund (ERDF), KFW, FHB or Bremerhavener Gesellschaft für Innovationsförderung und Stadtentwicklung mbH (BIS Bremerhaven: the Bremerhaven organisation for promoting innovation and city development)).

## **3. Where is my data sent?**

### **3.1. Joint operations within Wirtschaftsförderung Bremen GmbH (WFB)**

Bremer Aufbau-Bank GmbH will permit the central departments of WFB (such as IT and Finance) to process and store the data they need to fulfil this purpose. For this reason, data must be passed on to the central departments. Only the data required in each case will be passed on. Data protection will be guaranteed by contractual agreements concerning the processing of personal data on behalf of others.

### **3.2. Joint operations between the FHB and the Magistrate of the City of Bremerhaven**

In the context of its development activities, Bremer Aufbau-Bank GmbH will act on behalf of the Free Hanseatic City of Bremen (FHB) or for the Magistrate of the City of Bremerhaven.

If necessary, applications from Bremerhaven will be accepted by BIS Bremerhaven. Data will be exchanged between the Bremer Aufbau-Bank GmbH and BIS Bremerhaven for the purposes of processing applications and for on-going administration tasks.

### **3.3. Forwarding data as part of co-financing projects**

Bremer Aufbau-Bank GmbH will work with the KFW to the extent required and will forward the relevant data as necessary. This involves co-financing projects and to some extent also financing measures implemented solely by the KFW.

In the case of loans or share purchases that come from the ERDF Loan Fund for Bremen or the ERDF

Investment Fund for Bremen, which are taken from Bremer Aufbau-Bank GmbH funds or FHB funds and are fed by funds from the ERDF, the FHB has a legal requirement to inform the European Commission and the national and European audit offices, in detail, about the project being subsidised with ERDF funds.

### **3.4. Passing on personal data as part of regulatory oversight**

Bremer Aufbau-Bank GmbH hereby informs you that the data it gathers might be passed on to the German Federal Financial Supervisory Authority, the German Federal Bank and to Federal State, National and European authorities, to fulfil regulatory requirements and legal provisions, and that this data might be passed on for evaluation and planning purposes within the context of funding activities.

### **3.5. Other ways in which data is transferred**

Personal data will be classified and evaluated as part of the annual financial statements provided to you by Bremer Aufbau-Bank GmbH as part of your creditworthiness analysis. The anonymised data will be evaluated by the company S Rating und Risikosysteme GmbH, Berlin. This also applies to the rating performed by the lender. Data protection will be guaranteed by the relevant contractual agreements concerning the processing of personal data on behalf of others.

There is the option of engaging external consultants to perform fiduciary tasks ("guarantees") for the FHB as specified in the Federal State Guarantee Regulation.

If necessary, and within the framework of the work performed jointly by the various parties involved in business start-ups and consultation, personal data might be passed on to network partners.

However, Bremer Aufbau-Bank GmbH has no intention of passing personal data to a third country or to an international organisation.

Data and documents that are of public interest will be made available to the State Archive in accordance with Bremen's archive legislation, BremArchivG.

## **4. How long will my data be stored?**

We will process and store your personal data for the duration of our business relationship with you, if this is necessary. This also includes the time required to arrange and process a contract.

We are also required to comply with other archiving and documentation requirements, some of which are specified in the German Commercial Code (HGB: Handelsgesetzbuch ), the Fiscal Code (AO: Abgabenordnung), the Banking Act (KWG) and the German money-laundering law (GwG). The time periods for which personal data can be stored or documented specified in these different types of legislation range from two to ten years.

Ultimately, the storage period is also determined by the legal statutes of limitation, which can, for example, be for up to thirty years as stated in §§ 195 ff of the German Civil Code (BGB). However, the usual statute of limitation is three years.

## **5. To what extent do you use an automated decision-making process in individual cases (including profiling)?**

Bremer Aufbau-Bank GmbH does not use an automated processing process, including profiling, to make any decisions about setting up and running a business relationship (Art. 22 GDPR). If legally required, we shall inform you about this separately if we do use this process in individual cases.

## **6. What data protection rights do I have?**

Each data subject has the Right of access according to Art. 15 GDPR, the Right to rectification, according to Art. 16 GDPR, the Right to erasure, according to Art. 17 GDPR, the Right to restrict the processing of personal data, according to Art. 18 GDPR and the Right to data portability, according to Art. 20 GDPR. In addition, there is also the Right to lodge a complaint with a Data Protection Authority (Art. 77 GDPR).

Generally speaking, Art. 21 EU GDPR gives the data subject the right to object to their personal data being processed by Bremer Aufbau-Bank GmbH. However, we must inform you that this would then mean that we would be unable to provide any financial support.

If you wish to assert these rights, please contact the Data Protection Officer at Bremer Aufbau-Bank GmbH, Domshof 14/15, 28195 Bremen, Germany, or send an e-mail to [datenschutz@bab-bremen.de](mailto:datenschutz@bab-bremen.de).

## **7. Your right to lodge a complaint with a regulatory body.**

### **7.1. If you have fundamental concerns/complaints about how your data is processed, please contact the data protection authority responsible for Bremer Aufbau-Bank GmbH:**

Landesbeauftragte für den Datenschutz Bremen,  
Arndtstraße 1,  
27570 Bremerhaven, Germany  
Tel: +49 471 596 2010  
Email: [office@datenschutz.bremen.de](mailto:office@datenschutz.bremen.de)

### **7.2. If we do not answer your questions about your funding application/funding contract or if we fail to resolve your problems to your satisfaction, please contact the Bundesanstalt für Finanzdienstleistungsaufsicht-BaFin (Federal Financial Supervisory Authority), as the regulatory body with responsibility for us:**

BaFin, Graurheindorfer Str. 108,  
53117 Bonn, Deutschland  
Tel: +49 228 4108 0  
Fax: +49 228 4108 15507

### **7.3. If you have any questions about administrative issues, please contact the Senator responsible for economic development, the Senator for Economics, Ports and Transformation (Senatorin für Wirtschaft Häfen und Transformation), the Senator responsible for housing development, Senator for Building, Mobility and Urban Development (Senatorin für Bau, Mobilität und Stadtentwicklung), or the Senator responsible for the Environment and Climate Protection, the Senator for the Environment, Climate Protection and Science (Senatorin für Umwelt, Klimaschutz und Wissenschaft).**

Die Senatorin für Wirtschaft Häfen und Transformation,  
Zweite Schlachtpforte 3  
28195 Bremen, Germany  
Tel: +49 421 361 8808  
E-mail: [office@wae.bremen.de](mailto:office@wae.bremen.de)

Die Senatorin für Bau, Mobilität und Stadtentwicklung,  
Contrescarpe 72  
28195 Bremen, Germany  
Tel: +49 421 361 91000  
Email: [office@bau.bremen.de](mailto:office@bau.bremen.de)

Die Senatorin für Umwelt, Klimaschutz und Wissenschaft,  
An der Reeperbahn 2  
28217 Bremen  
Tel: +49 421 361 2407  
Email: [office@umwelt.bremen.de](mailto:office@umwelt.bremen.de)

#### **8. Am I required to provide data?**

As part of a business relationship with Bremer Aufbau-Bank GmbH, you are only required to provide the personal data necessary to set up and conduct a business relationship or the data that Bremer Aufbau-Bank GmbH is legally required to collect. Without this data, Bremer Aufbau-Bank GmbH will be unable to conclude a contract or perform its duties with regard to a contract. It will be unable to continue with an existing contract and might have to terminate that contract.

#### **9. Customer declaration**

I/We have read and understood the "Information about data protection".

I/We understand that my/our data, which is required to process, administer and progress the funding application will be processed in accordance with EU GDPR legislation and that the data collected as part of the contract will be passed on to the organisations listed above.

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Place, Date

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Signature(s)