

## Information sheet on data protection - whistleblower system

### 1. Which group of people is protected?

Anyone who becomes aware of an infringement of the law in the course of or prior to a professional activity and discloses it through a tip belongs to the group of protected whistleblowers. The protective measures of the HSchG and HinSchG apply to whistleblowers: Exemption from liability, exemption from the burden of proof, exemption from confidentiality obligations, protection against retaliation.

#### Entitled to report are in Austria and Germany:

- Employees of a BAWAG Group AG company or workers seconded to one of the BAWAG Group AG companies,
- Applicants from a BAWAG Group AG company

#### In addition, the following are entitled to report in Austria:

- Self-employed business partners and their employees, suppliers and subcontractors of a BAWAG Group AG company or
- Members of the Managing Board, the Supervisory Board and shareholders of a company of BAWAG Group AG

Only those whistleblowers who, at the time of the whistleblowing, had reasonable grounds to believe that the information they provided was true and fell within the scope of the HSchG and HinSchG are protected.

Notices that are manifestly false may give rise to claims for damages and, if appropriate, may be prosecuted in court or as an administrative offense.

Uninvolved third parties as well as outside complainants (such as customers of a BAWAG Group AG company) are not subject to the protection of the HSchG or HinSchG. Reports from these persons are rejected as not falling under the scope of application.

Below we inform you about the processing of your personal data in connection with the submission of a report in the whistleblower system.

### 2. Who is responsible for data processing and whom can you contact?

Here you will find the data on the person responsible and the data protection officer. Please refer to the table for the data of the group company for which you submitted the report.

Responsible company	Address	Phone number	Data protection officer or contact person for data protection
BAWAG P.S.K. Bank für Arbeit und Wirtschaft and Österreichische Postsparkasse Aktiengesellschaft	Wiedner Gürtel 11 A-1100 Vienna	+43(0)59905995	MMag. Barbara Wagner  Available at: BAWAG P.S.K. Bank für Arbeit und Wirtschaft and Österreichische Postsparkasse Aktiengesellschaft Department GCD datenschutz@bawag.at
BAWAG Services GmbH			
E2E Services GmbH			
easyleasing GmbH		+43(0)505577	
start:bausparkasse AG (Austria)		+43(01)31380	
BFL Leasing Ltd.	Mergenthalerallee 42 D-65760 Eschborn	+43(0)61965820 200	
Health Coevo AG	Lübeckertordamm 1-3 D-20099 Hamburg	+49(0)40524709	Alexander Deicke datenschutz@healthag.de
start:bausparkasse AG (Germany)		+49(0)40524709 700	Alexander Deicke datenschutzbeauftragte@start-bsk.de
SÜDWESTBANK - BAWAG AG Branch Germany	Rotebühlstrasse 125 D-70178 Stuttgart	+49 (0)7116644	Thorsten Nieske: +49(0)22844957325 thorsten.nieske@siz.de

### 3. What data is processed and from which sources does this data originate?

Use of the whistleblower system is on a voluntary basis. When you submit a report via the whistleblower system, we collect the following personal data and information:

- Your name, if you disclose your identity,
- the relationship you have with a BAWAG Group AG company and
- if applicable, names of persons as well as other personal data of those persons you name in your notification,
- the fact that you are using our whistleblower system for the purpose of making a report,
- reported behavior of the persons concerned,
- other (possibly special) categories of personal data, provided that they are entered into our whistleblowing system as part of the notification or in a subsequent investigation,
- operational or similar documents, insofar as they are required for the clarification of the reported facts,
- Information on behavior when using company communication systems, such as metadata, log data or the content of company e-mails, insofar as it is required to clarify the reported facts.

### 4. For what purposes and on what legal basis is the data processed?

The whistleblower system (BKMS@Incident Reporting) is used to receive information about legal violations in BAWAG Group AG companies in a secure and confidential manner.

We process the data listed under point 2. in particular for the following purposes:

- To verify whether the information submitted appears plausible and constitutes an infringement;
- for further clarification of the reported facts;
- for the possible exoneration of wrongly suspected persons;
- to avert imminent economic and other disadvantages;
- to assert and enforce the rights of BAWAG Group companies
- to fulfill any obligations to cooperate in the context of investigations by law enforcement or other authorities.

The legal basis for this processing of personal data is Article 6 (1) lit e) EU-DSGVO and Article 6 (1) lit c) EU-DSGVO:

Legal regulations in Austria:

- Whistleblower Protection Act (HSchG)
- § 99 g Banking Act (BWG)
- § 95 of the Stock Exchange Act (BörseG)
- § 40 Financial Market Money Laundering Act (FM-GwG)
- § 32 Market Abuse Regulation (MMVO)
- § 309 of the Criminal Code (StGB)
- § 98 Securities Supervision Act (WAG)

Legal regulations in Germany:

The provisions listed in Section 4 HinSchG (e.g. from the GwG or KWG) on the notification of information take precedence over the provisions in the HinSchG.

## 5. How long will my data be stored?

Personal data is retained for five years from its last processing or transmission in Austria and for three years in Germany. In addition, retention is permitted for as long as is necessary to carry out judicial or official proceedings. After the retention requirement no longer applies, the personal data will be deleted.

Additional regulation in Austria:

Log data on processing operations shall be retained for three years beyond the retention period pursuant to Section 8 (12) HSchG.

## 6. Who receives my data?

In the event of an incident, the recipient of the transmission may be the competent authority or the competent court (for securing evidence in criminal cases), security authorities (for security police purposes), courts (for securing evidence in civil cases).

The whistleblower system is operated by a company specializing in this area, EQS Group AG, Karlstraße 47, D-80333 Munich, for the companies of BAWAG Group AG.

## 7. Are the accused persons informed?

The following provision applies only in Austria. There is no such provision in Germany.

As long as and insofar as this is necessary to protect the identity

- of a whistleblower,
- from supporting persons in the vicinity of the whistleblower, or
- of members of the Managing Board, the Supervisory Board and shareholders of a company of BAWAG Group AG

and is necessary to achieve the aforementioned purposes, in particular to prevent attempts to prevent, undermine or obstruct tip-offs or follow-up actions based on tip-offs, the rights of a natural person affected by a tip-off, as enumerated below, shall not apply:

- Right to information (§ 43 DSG, Art. 13 and 14 DSGVO),
- Right to information (§ 1 para. 3 line 1 and § 44 DSG, Art. 15 DSGVO),
- Right to rectification (Section 1(3)(2) and Section 45 DSG, Article 16 DSGVO),
- Right to deletion (§1 para. 3 line 2 and § 45, Art. 17 DSGVO),
- Right to restriction of processing (§ 45 DSG, Art. 18 DSGVO),
- Right of objection (Art 21 DSGVO) as well as
- Right to notification of a personal data breach (Section 56 of the FADP and Article 34 of the GDPR),

Under the above-mentioned conditions, the company shall refrain from providing information to a person affected by a tip-off.

The same shall also apply for the duration of the conduct of administrative or judicial proceedings or preliminary proceedings pursuant to the Code of Criminal Procedure.

## 8. What data protection rights do I have?

You and the persons named in the notice have a right to information, correction, deletion or restriction of the processing of your stored data, as well as a right to object to the processing in accordance with the requirements of data protection law. You can address complaints to the Austrian Data Protection Authority at [dsb@dsb.gv.at](mailto:dsb@dsb.gv.at).

Furthermore, you are entitled to receive an acknowledgement of receipt within seven calendar days of receipt of a notification, unless you have expressly waived this right.

You have a right to know no later than three months after receiving your report,

- which follow-up measures have already been taken or are still planned, or
- for which reasons the reference is not followed up.

## 9. Will my tips be treated confidentially?

Personal data and information entered into the whistleblower system are stored in a database operated by EQS Group AG in a high-security data center. Only explicitly authorized persons of BAWAG or employees of subsidiaries, e.g. if the whistleblowing relates to processes in a subsidiary, are allowed to view the data. EQS Group AG and other third parties do not have

access to the data. This is ensured in the certified process by comprehensive technical and organizational measures.

All data is encrypted and stored under multi-level password protection, so that access is restricted to a very narrow circle of recipients, i.e., expressly authorized persons at BAWAG or employees of subsidiaries.

Incoming information is received by a narrow circle of expressly authorized and specially trained employees and is always treated confidentially. The facts of the case are examined and, if necessary, further case-related clarification of the facts is carried out.

Any person who gains access to the data is bound to confidentiality.

#### Disclosure regulations in Austria:

If an administrative authority, a court or the public prosecutor's office considers disclosure to be indispensable in the context of administrative or judicial proceedings or investigative proceedings under the Code of Criminal Procedure and proportionate in view of the risk to whistleblowers with regard to the validity and seriousness of the allegations made.

#### Disclosure regulations in Germany:

- in criminal proceedings at the request of the criminal authority
- on the basis of an order in administrative proceedings subsequent to a notification, including administrative fine proceedings
- on the basis of a court decision

In Austria and Germany, the following applies: Before the identity of whistleblowers or information that allows conclusions to be drawn about their identity is disclosed, the whistleblower must be informed of this intention and the reasons for the disclosure must be stated. The information must not be disclosed if the competent court or authority states that this would jeopardize the investigation or proceedings.

Trade secrets that become known to whistleblowers as a result of a tip may only be used or disclosed for the purposes of the HSchG and HinSchG and only to the extent necessary for this purpose.

## **10. Are cookies set when using the whistleblower portal?**

Communication between your computer and the whistleblower system takes place via an encrypted connection (SSL). The IP address of your computer is not stored during the use of the whistleblower portal. To maintain the connection between your computer and the BKMS® Incident Reporting, a cookie is stored on your computer that only contains the session ID (so-called zero cookie). The cookie is only valid until the end of your session and becomes invalid when you close the browser.

You have the option of setting up a protected mailbox in the whistleblower system with a pseudonym/username and password of your own choice. In this way, you can communicate by name or anonymously and send messages securely. In this system, the data is stored exclusively in the whistleblower system and is thus particularly secure; it is not an ordinary e-mail communication.

## **11. What do I need to consider when sending attachments?**

When submitting a report or sending a supplement, you have the option to send attachments. If you wish to submit a report anonymously, please note the following security warning: Files may contain hidden personal data that could compromise your anonymity. Remove this data before sending. If you are unable to remove this data or are unsure, copy the text of your attachment to your report text or send the printed document anonymously to the address listed in the footer using the reference number you receive at the end of the reporting process.

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