

General Data Protection Regulation (GDPR): Information on data processing within the meaning of Art. 13 and Art. 14 GDPR

Version: November 2022

The following information sheet provides information concerning the processing of your personal data by HETA ASSET RESOLUTION AG i.A. (“HETA”) and your rights under data protection law in regard to your data.

A. Data controller

The data controller is:

HETA ASSET RESOLUTION AG i.A.
Burggasse 12
9020 Klagenfurt
Tel.: +43 (0) 50209 – 0
Email: holding@heta-asset-resolution.com
www.heta-asset-resolution.com

Data Protection Officer at HETA is:

Name: Dr. Mirna Zwitter-Tehovnik LL.M (NYU)
Phone: +43 (0)50209 3380
Email: datenschutz@heta-asset-resolution.com

Deputy HETA Data Protection Officer:

Name: Mag. Sabine Oberlercher
Phone: +43 (0)50209 2774
Email: datenschutz@heta-asset-resolution.com

Any data subject as defined by the GDPR can contact the Data Protection Officer or her deputy directly at any time in the event of queries or suggestions on the subject of data protection.

B. HETA – an overview

Since 30th October 2014 HETA has been a partially regulated wind-down unit pursuant to the Austrian Federal Act on the Establishment of a Wind-down Unit (“GSA”). Based on this, purpose of HETA was to ensure an orderly and active disposition of its assets on the best terms possible. For the first time in a mandate decision dated 1st March 2015 and most recently in a decree dated 13th September 2019 the Austrian Financial Market Authority (“FMA”) as resolution authority ordered wind-down measures for HETA pursuant to § 50 para. 1 no 2 in conjunction with § 58 para. 1 of the Federal Act on the Recovery and Resolution of Banks (“BaSAG”). As of 31 October 2021 HETA has completed the wind-down of its portfolio in accordance with the legal requirements. With decision dated 29 December 2021 the FMA determined the termination of the operation of HETA as wind-

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down unit. Therewith the supervision of the FMA ended and HETA entered into a liquidation procedure pursuant to the Austrian Stock Corporation Act (“AktG”) with 1st January 2022.

C. Type and origin of the data processed

HETA processes personal data which it has received from you or a third party commissioned by you in the course of the business relationship or in the course of setting up a business relationship with you. In addition, HETA processes data it has received from affiliated companies, service providers and credit agencies (Kreditschutzverband 1870) and from publicly accessible sources (such as commercial registers, land registers, the media), which HETA has received on a legally permissible basis and is permitted to process such data. HETA is currently represented by local subsidiaries in Austria and Germany.

Personal data in this connection can be: personal details (e.g. first name and surname, address, contact details, date and place of birth, nationality, etc.), proof of identity data (e.g. passport details), or authentication data (e.g. signature sample). In addition, personal data can include order data and data derived from the performance of contractual obligations, documentation data, register data, visual and audio data, processing results which have been generated by HETA, and data for the fulfilment of statutory obligations of HETA.

D. Purposes and legal basis of data processing

The processing of personal data is carried out in accordance with the provisions of the EU General Data Protection Regulation (GDPR) and the Austrian Data Protection Act (DSG) for the following purposes:

D.1. Where you have given your consent (Art. 6 (1) a) GDPR):

If you have given HETA your consent to the processing of your personal data, your data will only be processed according to the purposes as specified in the declaration of consent and in the extent agreed therein. Any consent given can be withdrawn at any time with effect for the future. Withdrawal of consent does not affect the lawfulness of the data processing carried out on the basis of the consent as provided up to the time of withdrawal.

D.2. For the fulfilment of (pre-)contractual obligations (Art. 6 (1) b) GDPR):

Your personal data are processed in order to carry out the legal relationship between you and HETA, and to perform all necessary activities in connection with the liquidation procedure, i.e. the termination of the remaining business relations. The purpose of the data processing is based primarily on the specific legal relationship (e.g. contracts) and the liquidation strategy of HETA in the particular case and the associated operational tasks. The strategy is derived from the HETA liquidation planning.

D.3. For the fulfilment of legal obligations / performance of a task carried out in the public interest (Art. 6 (1) c) and e) GDPR):

The processing of personal data is necessary for the purpose of the fulfilment of various statutory obligations (in particular the execution of the liquidation procedure pursuant to AktG etc.) and also supervisory regulations to which HETA is subject.

The purposes of the data processing are based primarily on the specific legal relationship and the liquidation task of HETA. Pursuant to § 209 AktG the liquidators have to terminate ongoing business, collect claims and convert remaining assets into cash and satisfy creditors. New business may be entered to close pending business.

D.4. For the safeguarding of legitimate interests (Art. 6 (1) f) GDPR):

If necessary, in the context of a balancing of interests in favour of HETA or a third party, the processing of data can go beyond the fulfilment of the contract to include the safeguarding of legitimate interests of HETA or third parties. The following cases may be involved here (legitimate interests):

- measures for Group-wide business and risk management of the liquidation activity.
- in the context of legal prosecution (persecution of lawful claims and defence in the context of legal disputes, management of claims/complaints, forensic investigations)
- consultation and data exchange with agencies (e.g. Kreditschutzverband 1870)
- transmission of data within the HETA Group for internal administrative purposes
- measures for the protection of employees and property of HETA
- measures to prevent and combat fraud
- measures to combat money laundering and terrorist financing
- planning, execution and documentation of audit measures
- guaranteeing EDP/IT security and operation
- measures to ensure the safety of buildings and equipment

E. Passing on of data

Within HETA, those departments and employees have access to your data, who need such data to fulfil contractual and statutory law duties and also to fulfil legitimate interests. In addition, service providers acting on HETA's instructions (such as attorneys, notaries, tax advisers, public accountants, other advisers and valuation experts) and persons processing data on HETA's behalf (in particular IT service providers) receive your data insofar as they need such data for the provision of their respective services. To the extent that processors acting on HETA's behalf are used, they are placed under a contractual obligation to treat your data confidentially and to only process your data within the framework of the provision of services. In case HETA acts a processor (eg for buyers or affiliates of HETA) also Agreements concerning the processing of data are in place.

With regard to the passing on of data to affiliated companies and other third parties, we would like to point out that HETA only passes on your personal data if you have authorised us in this regard beforehand, or if HETA is obliged or authorised to do so by law, and/or the transmission of the data is necessary for the fulfilment of contractual obligations or to fulfil HETA's liquidation task.

If a statutory obligation applies, public bodies and institutions (such as the FMA, the Austrian Federal Ministry of Finance, the court of auditors, criminal prosecution authorities, administrative authorities, courts) can be recipients of your personal data, to the extent that this is necessary. Banks and financial institutions or comparable organisations can also be recipients of personal data, as well as (potential) purchasers of assets of HETA to whom data are transmitted for the fulfilment of HETA's liquidation task.

F. Data transmission to third countries

Data transmission to countries outside of the EU and the EEA (so-called third countries) only takes place insofar as this is necessary for the execution of your orders or if required by law (e.g. reporting duties under tax regulations), or if you have given us your express consent to such transmission, or if this is necessary for the fulfilment of HETA's liquidation task, or in the context of data processing carried out by processors on HETA's behalf.

The transmission of personal data to a third country takes place only on the basis of an adequacy decision of the EU Commission with effect for the EU, or on the basis of standard EU data protection clauses or in accordance with Art. 49 (1) GDPR (e.g. attorneys, public accountants, notaries, creditors, courts and other public authorities, if this is necessary for the fulfilment of the respective contract or for the assertion, exercise or defence of legal claims).

G. Duration of storage

HETA processes and stores your personal data for as long as is necessary for the fulfilment of our contractual and statutory duties, normally for the duration of the entire business relationship and also beyond that period, in accordance with contractual and statutory duties of preservation and documentation, which are based *inter alia* on the Austrian Commercial Code (UGB), the Austrian Federal Tax Code (BAO) or the Austrian Stock Corporation Act (AktG). The time periods prescribed for the retention or documentation range between five and seven years. Additionally, the statutory limitation periods are relevant, which according to the General Civil Code (ABGB) generally amount to three years, but in some cases may also be up to 30 years. For as long as it is necessary, depending on the potential claim and for the exercise of HETA's legal claims, HETA can preserve any personal data of yours which is required for the assertion of such claims.

H. Data protection rights

You have the right at any time to have access to your stored personal data, and to require rectification, erasure and restriction of the processing of your data. You have a right to object to the processing of your data and a right to data portability in accordance with the requirements of data protection law.

To assert these rights, contact our Data Protection Officer (see section A of this document). You can address any complaints to the Austrian Data Protection Authority, Barichgasse 40-42 , 1030 Wien (www.dsb.gv.at).

I. Obligation to provide data

In the context of the business relationship, you must provide HETA with the personal data which are required for the acceptance and execution of the business relationship, and which HETA is obliged by law to collect.

If you do not provide such data to HETA, HETA will normally have to refuse to conclude the contract or refuse to execute the order, or HETA will no longer be able to continue to

execute an existing contract and will therefore have to terminate it. However, you are not obliged to issue your consent to the processing of data which are not relevant to the fulfilment of the contract or which are not required by law or regulations.
