



**Personal Data Protection Policy  
of Bulgarian - American Credit Bank AD**

***Adopted by virtue of Resolution of the Management Board of 9 June 2016,  
amended by virtue of Resolution of the Management Board of 17.05.2018***

## I. General provisions and definitions

**Art. 1.** The accompanying Personal Data Protection Policy of Bulgarian - American Credit Bank AD (the Bank) shall apply to the **Bank and its subsidiaries** and is based on the personal data protection requirements and principles adopted by virtue of Regulation (EU) 2016/679 of the European Parliament and of the Council 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 (**Regulation (EU) 2016/679 or General Data Protection Regulation**).

Bulgarian - American Credit Bank AD (**BACB AD or the Bank**), entered in the Commercial Register at the Registry Agency, UIC 121246419, having its registered address and address of management in the city of Sofia 1000, Sredets Region, 2, Slavyanska street, is personal data controller in the meaning of Regulation (EU) 2016/679 and the Personal Data Protection Act.

The Bank has appointed Data Protection Officer having the following address Sofia 1000, Sredets Region, 16, Krakra str., e-mail: [dpo@bacb.bg/contact](mailto:dpo@bacb.bg/contact) telephone number: +359 2 9058337; +359 878 678 430. The Data Protection Officer meets the requirements of the General Data Protection Regulation and reports directly to BACB AD Management Board.

**Art. 2.** The terms listed below have the meanings assigned to them in the Regulation (EU) 2016/679 (General Data Protection Regulation) and the accompanying Policy:

(a) **Personal data** means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

(b) **Processing** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

(c) **Filing system** means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis;

(d) **Controller** means any natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by European Union or Member State law, the controller or the specific criteria for its nomination may be provided for by European Union or the law of the Republic of Bulgaria;

(e) **Data subject** is an identified or identifiable natural person who can be identified, directly or indirectly, based on particular information representing personal data;

(f) **Legitimate interest** of BACB AD or of a third party, where the latter prevail over the interests or the fundamental rights and freedoms of the data subject (the customer), for example for the purpose of preventing crime, including fraud, preventing money laundering and financing of terrorism, other lawful objectives.

**Art. 3.** Bulgarian - American Credit Bank AD acknowledges the privacy of natural persons and makes efforts to protect them against any unlawful processing of their personal data. The Bank applies the relevant technical and organisational measures to protect the personal data of natural persons in accordance with the effective legislation.

**Art. 4.** The accompanying Personal Data Protection Policy of Bulgarian - American Credit Bank AD is aimed to inform natural persons regarding the objectives and grounds for the processing of personal data, the rights of the data subjects, categories of recipients to which data may be disclosed, the statutory or voluntary nature of the provision of data, information as to the right of access and the right for rectification of data collected in accordance with the Personal Data Protection Act.

## **II. Processing of personal data**

**Art. 5.** Bulgarian - American Credit Bank AD, in its capacity as controller of personal data, processes personal data in a manner that ensures appropriate level of security, including protection against unauthorised or illegal processing and against accidental loss, destruction or damage, while applying suitable technical and / or organisational measures in compliance with the following principles:

(a) lawfully, fairly and in a transparent manner in relation to the data subject ("lawfulness, fairness and transparency")

(b) data is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ("appropriateness in the processing of personal data and purpose limitation")

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data minimisation")

(d) accurate and kept up to date

(e) limitation of the storage for periods not longer than necessary for the purposes for which they are processed ("storage limitation")

(e) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ("integrity and confidentiality").

**Art. 6.** Bulgarian - American Credit Bank AD processes personal data only if and to the extent at least one of the conditions listed below shall apply:

(a) processing is required for the performance of an agreement with the Bank under which the data subject is party or to undertake steps at the request of the data subject prior to the signing of an agreement with the Bank.

(b) processing is required for compliance with a legal obligation which applies to the Bank in its capacity as controller of personal data.

(c) the data subject has given consent for the processing of their personal data for one or more specific purposes. In the cases when personal data are processed solely on the grounds of consent, the data subject has the right to withdraw such consent at any time. Withdrawal of the consent of the data subject is not applicable in the cases when the processing of the data is based on the provisions of items "a" and "b" above.

Bulgarian - American Credit Bank AD processes personal data independently or through assignment to data processors. Data processors on behalf of the Bank are also the Bank's officers whose rights and obligations are duly stipulated in the Bank's internal regulations.

**Art. 7.** The Bank, in its capacity as controller, does not process personal data which reveal racial or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, and the processing of genetic data, biometric data solely for the purpose of identification of the natural person, data concerning health or data concerning sex life or sex orientation of the natural person unless the data subject have given an explicit consent for the processing of such data for one or more specific purposes.

### **III. Purpose of personal data processing**

**Art. 8.** As a licensed credit institution Bulgarian - American Credit Bank AD processes personal data for the purpose of providing bank products and services and / or execution of bank and other commercial transactions in accordance with the Credit Institutions Act, including investment services and activities under the Markets in Financial Instruments Act, with the persons whose data is processed (data subjects) or for the purpose of considering the possibility to render such services to the data subjects. Provision of personal data is voluntary. In case of refusal to provide personal data Bulgarian - American Credit Bank AD shall not provide the requested bank product, or investment product, or service, or perform the respective bank or commercial transaction to the extent the processing of personal data at large is in fulfilment of the Bank's legal and regulatory obligations.

**Art. 9.** Personal data provided to Bulgarian - American Credit Bank AD upon filing a request for the provision of a bank product or service and / or performance of bank and other commercial transactions are processed in order to analyse whether these persons meet the conditions for the provision of the respective product or service, as well as to achieve reliable identification of the parties to the bank and commercial transactions performed in fulfilment of the Bank's legal and regulatory obligations.

**Art. 10.** In most cases processing of personal data is in fulfilment of the Bank's regulatory obligations, ensuing from legal requirements regulating banking and other accompanying commercial activities, financial - accounting activities, activities related

to prevention of money laundering and financing of terrorism, for the purposes of the automated exchange of financial information in the meaning of the Tax and Social Security Procedure Code, pension, health insurance and social security activities, human resource management activities, etc.

**Art. 11.** Except in the cases where it is necessary for the fulfilment of a regulatory obligation of the personal data controller, processing of personal data is allowed when it is necessary for the performance of obligations under an agreement with the Bank, under which the natural person that the data related to is a party, as well as actions preceding the signing of an agreement with the Bank, undertaken at the request of the person or when the natural person the data relates to has given explicit consent to such processing. Except the cases set out above, processing of personal data of data subjects is allowed if there is legitimate interest of BACB AD or of a third party and the latter prevail over the interests or the fundamental rights and freedoms of the data subject (the customer), for example for the purpose of preventing crime, including fraud, preventing money laundering and financing of terrorism, other lawful objectives.

**Art. 12.** The personal data of the data subjects are stored over the legal terms in accordance with the requirements of the applicable specific laws.

**Art. 13.** Persons of less than 18 (eighteen) years of age are data subjects entitled to higher level of protection of their personal data. In relation to the direct offering of information society services to children the processing of child data is legal if the child is at least 16 years old. If the child is less than 16 years old such processing is legal only and to the extent such consent has been given or allowed by the holder of parental responsibilities for the child.

#### **IV. Rights of the data subjects (customers – natural persons whom the data relates to)**

**Art. 14. Right to information** (in relation to the processing of the data subject's personal data by the Bank - the natural persons that are data subjects have the right to receive information\* as to the Bank as personal data controller, as well as the processing of their personal data. Such information includes: data identifying the Bank, as well as its contact details, including contract details of the Data Protection Officer; the purposes and legal grounds for the processing; the personal data recipients or categories of recipients, if any; the controller's intent to transmit personal data to a third party / third country (where applicable); the personal data storage period; the existence of automated decision making, including profiling (if any); information as to all rights that the data subject has; right to file a complaint to the supervision authority. \* The information listed above is not provided if the data subject already has it.

**Art. 15. Right of access to own personal data** - the data subjects have the right to receive from the Bank confirmation as to whether personal data related to them are processed and if so, to be given access to the data and the following information: purpose of the processing; respective personal data categories; personal data recipients or categories of recipients, if any; the intention of the controller to transmit personal data to a third party (where applicable); personal data storage period;

existence of the right to correct personal data, as well as the right to object against the processing of personal data; existence of automated decision making, including profiling (if any); information as to all rights that the data subject has; the right to file a complaint with the supervision authority.

**Art. 16. Right to rectification of personal data** (if data is not accurate) - the data subject has the right to request the Bank to rectify, without undue delay, any incorrect data pertaining to the data subject.

**Art. 17. Right to erasure of personal data** (right "to be forgotten") - the data subject may request from the Bank to erase personal data, if any of the conditions listed below exist:

- Personal data are no longer needed for the purposes they have been collected for or processed otherwise;
- The data subject withdraws his / her consent, which data processing is solely based on, and no other legal grounds for the processing exist (processing due to regulatory obligation of the Bank, an agreement signed with the Bank);
- The data subject objects against the processing and no legal grounds for the processing exist that prevail;
- The personal data were processed unlawfully;
- The personal data should be erased in order to comply with a legal obligation under the European Union law or the laws of the Republic of Bulgaria, which apply to the Bank in its capacity as personal data controller;
- The personal data have been collected in relation to the offering of information society services to children and consent was given by the holder of parental responsibilities for the child.

**Art. 18. Right to limitation of processing** by the Bank or by the personal data processor - specific conditions are required to be in place for that right to be exercised, namely:

- Accuracy / up to date nature of the data is disputed by the data subject. In this case the limitation of the processing is over a period of time allowing the Bank to check the accuracy of the personal data;
- The processing is unlawful, but the data subjects do not wish their personal data to be erased, but rather require limitation of their use;
- The Bank no longer needs such personal data for processing purposes, but the data subject requires them for establishing, exercising or defending legal claims;
- The data subject has objected to the processing while awaiting a check to be performed whether the Bank's legal grounds prevail over the interests of the data subject.

**Art. 19. Right to transferability** of the personal data between the various controllers - the data subjects have the right to receive personal data pertaining to them, which they have provided to the Bank in a structured, widely used and machine readable format and have the right to transfer such data to another controller without hindrance by the Bank, to which personal data has been provided, when processing is based on

consent or contractual obligation and the processing is automated. When exercising the right to transferability the data subject has the right to receive also direct transfer of the personal data from the Bank to another controller, where technically feasible.

**Art. 20. Right to object** against the processing of their personal data - data subjects have the right to object before the Bank against the processing of their personal data, whereby the Bank shall cease such processing, unless BACB AD is able to prove that compelling legitimate grounds for the processing exist that override the interests, rights and freedoms of the data subject, or for the establishment, exercising or defence of legal claims. In case of objection against the processing of personal data for direct marketing purposes the Bank shall cease such processing forthwith.

**Art. 21.** The data subject also has the right not to be subject to decision based solely on **automated processing**, including profiling, which ensues legal consequences for the data subject or significantly affects the data subject otherwise.

**Art. 22. Right to defence through judicial or administrative procedure** if the data subject's rights have been breached - if the data subjects decide that their right to personal data protection and privacy has been violated, they may file a complaint with the relevant supervision authority - the Commission for Personal Data Protection or to file a claim with the court to defend their rights.

## **V. Disclosure of personal data**

**Art. 23.** Bulgarian - American Credit Bank AD may disclose the personal data to the following categories of persons:

- (a) The persons whom the data relate to, namely: persons using bank services or products, or persons filing a request to use bank services, as well as persons who are party to bank and / or other transactions and contractual relations with the Bank;
- (b) Persons that have right to access to personal data by virtue of law or another regulation;
- (c) Persons as to whom the right to disclosure is stipulated in an agreement signed with the Bank.

## **VI. Procedure to exercise the rights**

**Art. 24.** (1) In exercising their right to access natural persons have the right to request from Bulgarian - American Credit Bank AD at any time:

1. confirmation as to whether data related to them are processed by the Bank, the purpose of the processing, the data category and recipients of such data or the categories of recipients data is disclosed to;
2. to send them a message in an understandable format, containing the personal data subject to processing and any information available as to the source of such data;
3. information as to the logic of any automated processing of personal data

pertaining to natural persons, at least in the case of automated decisions under the provisions of the General Data Protection Regulation and the Personal Data Protection Act;

(2) Upon request Bulgarian - American Credit Bank AD provides the information under paragraph 1 free of charge.

(3) Natural persons have the right to request at any time that Bulgarian - American Credit Bank AD:

1. erases, rectifies or blocks their personal data the processing of which is not compliant with the requirements of the effective legislation
2. notifies the third parties to which the personal data of the natural persons have been disclosed as to any erasure, rectification or blocking in accordance with item 1 above, except when this proves to be impossible or would involve a disproportionate effort.

**Art. 25. (1)** Natural persons exercise their rights by filing a written request to the Bank, containing as a minimum the following information:

1. name, personal ID number, address and other data allowing identification of the respective natural person;
2. description of the request;
3. preferred form for provision of the information (oral or in writing - as a hard copy or electronically);
4. signature, date, correspondence address and telephone number.

(2) The filing of the request is free of charge.

(3) Upon filing of a request by an authorised person, the notarised power of attorney must be attached to the request.

(4) In case of death of the natural person, his / her rights are exercised by his / her heirs and certificate of heirs shall be attached to the request.

**Art. 26.** The Bank shall review and pronounce on the request within 14 days, and when longer period of time is required to collect data and information, the request shall be reviewed and the Bank shall pronounce its decision thereon within 1 month as of its filing. This period may be extended by further two months, if necessary. The Bank informs the data subject as to any such extension within 1 month as of receipt of the request, stating the reasons for the delay. When the data subject files a request by electronic means, the information is provided electronically, if possible, unless the data subject has requested otherwise.

**Art. 27.** The Bank provides an answer to the requesting person taking into account their preferred form for the provision of the information (orally or in writing - as a hard copy or electronically).

**Art. 28.** Where data do not exist or their provision is forbidden by law, access of the requesting party to such data is refused.



**Art. 29.** If the requesting party is not satisfied with the response received and / or believes that their rights related to personal data protection were violated, they are entitled to exercise their right to defence.

## **VII. Information for the data subject:**

<b>Controller:</b>	Bulgarian - American Credit Bank AD
<b>UIC:</b>	121246419
<b>Registered address and address of management</b>	Sofia 1000, Sredets Region, 2, Slavyanska str.
<b>Telephone</b>	070014488
<b>E-mail</b>	bacb@bacb.bg
<b>Website</b>	www.bacb.bg
<b>BACB AD Data Protection Officer</b>	Dimitar Kolchakov
<b>Telephone:</b>	+359 2 9058337;
<b>E-mail:</b>	dpo@bacb.bg
<b>Supervision authority</b>	Commission for Personal Data Protection
<b>Address</b>	Sofia, 1592, 2, Prof. Tsvetan Lazarov blvd.
<b>Telephone</b>	+359 2 915 3518
<b>E-mail</b>	kzld@cpdp.bg
<b>Website</b>	www.cpdp.bg

### **Concluding provision**

**The accompanying Policy was adopted by virtue of Resolution of the Management Board of Bulgarian - American Credit Bank AD of 9 June 2016 and was amended by virtue of Resolution of the Management Board of 17.05.2018**

**This Policy shall be applied in the operations of BACB AD and its subsidiaries.**