

Privacy policy for employees of ING-DiBa AG

Because we protect your personal data

This privacy policy has applied to all employees of ING-DiBa AG since 25 May 2018.

1. Foreword

Whether you are an employee, applicant, trainee, intern or former employee, we, ING-DiBa AG ("ING Germany" or "bank"), respect and protect your privacy. What does that mean for your personal data in practical terms?

We will explain in the following. This privacy policy provides an overview of how we process your personal data and your rights under data protection law. Which data we process in detail and how we use it depends largely on the components of your employment relationship with us, as well as any additional benefits. Therefore, some parts of this policy may not apply to you.

Who are we?

We, ING Germany, are a German credit institution based in Frankfurt am Main.

We belong to the Dutch ING Group, which, through our parent company, ING Bank N.V., operates as an international financial services provider with a focus on the European market.

As the responsible body, we,

ING-DiBa AG
Theodor-Heuss-Allee 2
60486 Frankfurt am Main

take all legally required measures to protect your personal data.

If you have any questions about this privacy policy, please contact our data protection officer:

ING-DiBa AG,
Data protection officer,
Theodor-Heuss-Allee 2,
60486 Frankfurt am Main
E-mail: datenschutz@ing.de

2.

For whom does this privacy statement apply?

The privacy policy applies to the following individuals:

- Employees and workers in full-time and part-time, temporary and permanent employment relationships
- Retired employees
- Interns
- Trainees
- Job applicants
- Temporary workers

Processing personal data refers to actions such as collecting, storing, using, transmitting or deleting personal data.

3.

What data do we use as an employer – and where does it come from?

We process personal data that we receive or obtain from our employees or other similarly connected persons (e.g. applicants) in the course of our employment relationship. In addition, we process personal data that we obtain from publicly accessible sources (e.g. professional networks on the internet) in a permissible manner or that is provided to us by other ING Group companies or other third parties (e.g. recruitment agencies) to the extent necessary for the employment relationship. In certain situations, we also collect personal data from other sources in accordance with legal requirements. This includes tax-related information from the relevant tax office and information about periods of incapacity to work from the relevant health insurance fund.

We process the following personal data, among others:

- Personal details, such as gender, title, first and last name, address, date and place of birth, nationality, photograph, ID/passport number, e-mail address,

telephone number, job, work permit if applicable, personnel number

- Information, on your family situation, such as your marital status and information about your children
- Religious affiliation
- Health data (if relevant to the employment relationship, e.g. in the case of severe disability)
- Identification data (e.g. ID data, signature)
- Tax identification number
- Social security number
- Pension insurance number
- Bank details
- Securities account number and holder
- Extract from the German Federal Central Register at the Federal Office of Justice
- Payroll data
- Information on professional qualifications and continuous further training (e.g. CV, certificates, training certificates, etc.)
- Previous employers
- Data on the use of services (video chats, internal user ID, user name, language skills, video, audio, screen and chat recordings)
- Emergency contacts
- Other data that you voluntarily and proactively share with us, such as information about your interests, hobbies and memberships

These data may also include data that we receive in the fulfillment of our contractual obligations (e.g. salary payments), such as:

- Log data that are generated when using the IT systems
- Order data (e.g. from the application for a telework station)
- Information about the financial situation of an employee (e.g. loan liabilities, attachment of earnings)
- Data from the employment relationship (e.g. start and end dates, organizational affiliation, department, position, direct and indirect superiors, pay scale group, time tracking data, vacation periods, periods of incapacity to work, skill data, social data, activity-related performance data)
- Data that are comparable with the categories mentioned

4.

Sensitive data: How do we handle it?

Certain personal data, such as information on religious affiliation or the degree of a severe disability, are considered “sensitive data”. We process such data exclusively in the following contexts:

- As part of the employment relationship
- For the purpose of exercising rights or fulfilling legal obligations under labor law, social security law and social protection law (e.g. providing health-related information to the health insurance company, record-

ing severe disability for the purpose of additional leave and determining the severe disability levy)

- To assess the ability of an employee to work, if necessary
- In addition, the processing of sensitive data may be based on your consent (e.g. occupational health management).

5.

How do we use your data and on what legal basis?

We process personal data in accordance with the provisions of the EU General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG).

5.1.

We use your data to fulfill the contractual obligations arising from the employment relationship between you and us

The data are processed for these purposes:

- Establishment of the employment relationship
- Execution or termination of the employment relationship within the framework of the existing contract
- Execution of pre-contractual measures that are carried out upon request

For additional benefits such as childcare, we process your data as necessary to provide the additional services.

We also use your data to enable you to: access the building, use work equipment such as devices and applications, receive a pay slip or ensure that everything runs smoothly during the application process.

5.2.

We use your data in the context of the weighing of interests

Your individual needs are highly important to us and we always try to balance your interests and our interests.

Where necessary, we process your data beyond the actual fulfillment of the contract with you. We do this to protect our legitimate interests or those of third parties. Here are a few examples:

- Measures for planning personnel development
- Measures for organizational changes
- Assertion of legal claims and defense in legal disputes
- Safeguarding our IT security and IT operations, e.g. to protect company data from unauthorized access (data loss prevention measures)
- Prevention and investigation of criminal acts or serious breaches of duty (see also Section 26, Paragraph 1 of the German Federal Data Protection Act)
- Video surveillance to safeguard the right to exclude persons from the premises, to collect evidence in the

event of robberies and fraud (see also Section 4 of the German Federal Data Protection Act)

- Recording of customer conversations for the processing of customer complaints, to clarify misunderstandings about the content of a telephone conversation, for training purposes or to fulfill banking supervision requirements
- Measures to ensure building and system security (e.g. access controls)
- Measures to ensure the right to exclude individuals from the premises
- Measures to ensure the appropriateness of compensation
- Provision of certain services and offers (e.g. booking of sports courses)

5.3.

We use your data with your consent

If you have consented to the processing of personal data for specific purposes (e.g. extended storage of application documents, photographs and video recordings in the context of events or advertising measures of the bank, newsletter distribution, personnel development measures), the processing of data on the basis of this consent is lawful. You can revoke consent that you have given at any time. This also applies to declarations of consent that you gave us before the GDPR came into force, i.e. before 25 May 2018. The revocation of consent is only effective for the future. It does not affect the lawfulness of the data processing that has already taken place up to the point of revocation.

5.4

We process your data in accordance with legal requirements or in the public interest

As a bank, we are subject to various legal obligations. This means that we have to fulfill legal requirements (e.g. pertaining to social security, working hours, occupational safety, protection against dismissal, the credit system, money laundering, securities trading as well as taxes). This also means that we are bound by the legal requirements of banking supervision (e.g. by the European Central Bank, the European Banking Authority, the German Federal Bank and the Federal Financial Supervisory Authority). We therefore process data for purposes such as identity verification, fraud and money laundering prevention, to fulfill social security and tax control, reporting or documentation obligations, and to manage risks at our bank and in the ING Group.

5.5.

We process your data on the basis of collective agreements under labor law

We also process your data to ensure that your employee representatives can exercise their rights and fulfill their obligations (e.g. for a works agreement, such as the one on the introduction and use of video surveillance). These

rights and obligations arise from a collective agreement or a works agreement.

5.6.

We process your data to protect the vital interests of data subjects or other natural persons

It may be necessary to process personal data to protect your vital interests, for example in a medical emergency.

6.

Who receives your data and why?

6.1.

Your personal data within ING Germany

Within the bank, your data can only be accessed by those who need it to fulfill our contractual and legal obligations. These include, for example, superiors, the human resources department, the works council and the representative body for employees with severe disabilities.

6.2.

Your personal data outside of ING Germany

Service providers and contractors hired by us may also receive your data in the course of fulfilling their contractual duties. These may be companies in the categories of payroll accounting, pension calculation, tax consulting, insurance, training providers, management of company sports, IT services, logistics, printing services, occupational health management services and telecommunications.

As an employer, we only pass on the personal data of recipients outside the bank which are absolutely necessary, in compliance with data protection regulations. In principle, we may only pass on information about our employees under certain conditions: if required by law, if the employee has given their consent, or if we are otherwise legally permitted to pass it on. Recipients of personal data may then be, for example:

- Social insurance agencies
- Insurance providers
- Pension schemes
- Tax authorities
- Statutory accident insurers, public authorities and institutions (e.g. European Central Bank, European Banking Authority, German Federal Bank, Federal Financial Supervisory Authority, tax authorities, law enforcement authorities), if there is a legal or regulatory obligation
- Other credit and financial services institutions or similar institutions to which we transfer personal data for the purpose of fulfilling the contractual relationship (e.g. for salary payments)
- Tax auditors and payroll tax auditors

- Service providers for reviewing the appropriateness of compensation
- Service providers that we use in the context of order processing
- Third-party debtors in the case of attachment of earnings and wages
- Insolvency administrators in the case of personal bankruptcy
- ING Bank N.V. as data controller for group-wide reporting

We will transfer your data to certain bodies if you have given us your consent to do so; or if we are authorized to transfer personal data on the basis of a balance of interests.

6.3

Your personal data within the ING Group

As part of the employment relationship, we forward the following personal data to ING-Bank N.V.:

- Name
- Surname
- Date of birth
- Job title
- Organizational assignment
- Head of organizational unit
- Telephone number
- Mobile telephone number
- E-mail address
- Corporate Key
- Cost center
- Location
- ID number
- Status (internal/external)

These data are also published on the worldwide intranet of the companies belonging to the ING Group.

We ensure that when personal data are transferred to companies within the ING Group, data protection is guaranteed and your personal data are protected.

Very important: Under no circumstances do we sell personal data to third parties.

7.

Is data transferred to a third country or an international organization?

Yes, that can happen.

We transfer data to locations in countries outside the European Union and the European Economic Area (so-called third countries) to the extent that:

- It is required by law (e.g. due to tax reporting requirements)
- You have given us your consent

- It is justified by the bank's legitimate interest under data protection law and is not opposed by any overriding interests of yours that are worthy of protection

We also transfer personal data to third countries in these individual cases:

- We have your consent
- Statutory provisions need to be enforced for combating money laundering, terrorist financing and other criminal acts
- As part of a balancing of interests

In doing so, we naturally comply with the data protection standards of the European Union.

Should we transfer personal data to service providers or group companies outside the European Economic Area (EEA), then only if the EU Commission has confirmed that the third country has an adequate level of data protection – or other appropriate data protection guarantees (e.g. so-called binding corporate rules, as defined in EU Regulation 2016/679 or EU standard contractual clauses). You can also request detailed information from our data protection officer about this as well as the level of data protection of our service providers in third countries.

8.

For how long do we save your data?

We process and store your personal data for as long as necessary to fulfill our labor, contractual and legal obligations.

The employment relationship is a so-called continuing obligation; it is designed for a longer period of time. With regard to the storage of your data, this means that as soon as the data are no longer required for the fulfillment of contractual or legal obligations, we delete them in accordance with regular schedules. Exceptions may be made if it is deemed necessary to further process the data for a limited period of time for the following purposes:

- **Fulfillment of legal retention requirements**

These obligations may arise, for example, from the German Social Security Code (SGB IV), the Working Hours Act, the Works Constitution Act (BetrVG), the Remuneration Transparency Act, the German Commercial Code (HGB), the Banking Act (KWG), the Money Laundering Act (GwG), the Securities Trading Act (WpHG) and the Fiscal Code of Procedure (AO). The periods for retention and documentation specified therein are generally six to ten years.

- **Preservation of evidence in accordance with statutes of limitation**

According to § 195 ff of the German Civil Code (BGB), these statutes of limitation can be up to 30 years, with the regular statute of limitation being 3 years.

If we process personal data in the legitimate interest of us or a third party, we will delete the data as soon as this interest no longer exists. The mentioned exceptions also apply here.

The same applies to the data that we process on the basis of consent granted. As soon as you revoke this consent for the future, we will delete the personal data, unless one of the mentioned exceptions applies.

9.

Your rights are important to us

We will respond to all your questions as quickly as possible. However, sometimes it may take up to a month before you receive a response from us. If we need more than a month to provide a final answer, we will of course let you know in advance how much longer it will take. In some cases, we cannot or are not allowed to provide information. In such cases, we will always let you know the reason for the refusal as soon as possible, provided this is legally permissible. What rights do you have as a data subject with regard to the processing of your data?

Your right to information

You have the right to request an overview of any personal data concerning you that we process. For example, you can receive a copy of the personal data that we store about you.

Your right to rectification

If the information you have provided is no longer accurate, you can request that it be corrected. If your data are incomplete, you can request that they be completed. If we have passed on your information to third parties, we will inform these third parties of your correction – to the extent this is required by law.

Your right to deletion

You can request the prompt deletion of your personal data for the following reasons:

- When your personal data are no longer needed for the purposes for which they were collected
- If you revoke your consent and there is no other legal basis
- If you object to the processing by conclusive reasoning and there are no overriding legitimate grounds for the processing
- If your personal data have been processed unlawfully
- If your personal data must be deleted in order to comply with legal requirements

Your right to restrict processing

You have the right to request a restriction of the processing of your personal data for one of the following reasons:

- If you dispute the accuracy of your personal data and we have had the opportunity to verify their accuracy
- If the processing is not lawful and you request a restriction on use instead of deletion
- If we no longer need your data for the purposes of processing, but you do need them to assert, exercise or defend against legal claims
- If you have filed an objection, as long as it is not yet clear whether your interests prevail

Your right to data portability

You have the right to receive a copy of any data concerning you in a structured, commonly used and machine-readable format and to transmit those data to other organizations. You also have the right to request that we transmit your personal data directly to other organizations you have named. We transmit your personal data where technically feasible and where permitted by relevant national law.

Your right to object

If we process your data only on the basis of legitimate interests or in the public interest, you have the right to object to the processing of your data in a particular situation. If we use your data for direct marketing or advertising activities, you can object to the processing without providing a reason. However, you cannot request that we delete your personal data if:

- We are still legally obliged to store them
- The data are necessary for the performance of a contract with you

Please note our separate notice at the end of this privacy policy in the section “Information about your right to object”.

Your right to file a complaint

In some cases, you may not be satisfied with our response to your request. In that case, you are entitled to file a complaint with ING's data protection officer and with the relevant data protection supervisory authority.

You can assert these rights with the colleagues of Servicepoint Personal (servicepoint.personal@ing-diba.de).

You can revoke your consent to the processing of personal data at any time. This also applies to the revocation of declarations of consent that you gave us before the GDPR came into force, i.e. before 24 May 2018. The revocation is only effective for the future. It therefore does not apply to any processing that took place before the revocation.

10.

Why we need your data

In the context of our employment relationship, we require the following personal data:

- Data needed to establish, carry out and terminate the employment relationship
- Data needed to fulfill the associated contractual obligations
- Data that we are required to collect by law or by a collective agreement

Without these data, we are generally unable to establish, fulfill or terminate a contract with you.

In some cases, you may suffer disadvantages if you do not provide certain personal data. For example, in the case of a severe disability, there may be a lack of facilitating work equipment, or if you are childless, no additional contribution is made to your long-term care insurance.

In fact, without the necessary information and documents from you, it is possible that no employment relationship will come about at all. Or we may not be able to maintain it.

11.

To what extent do automated individual-case decisions or profiling measures take place?

As a matter of principle, we do not use fully automated decision-making to establish, carry out or terminate an employment relationship. Should we use this procedure in individual cases, we will inform you of this and of your rights in this regard, if this is required by law.

12.

How we protect your personal data

We take appropriate technical and organizational safeguards (guidelines and procedures, IT security, etc.) to ensure the confidentiality and integrity of your personal data and their processing. We apply an internal framework of guidelines and minimum standards across the company to protect your personal data. These guidelines and standards are regularly updated to align them with current legislation and market developments.

In addition, all ING employees are subject to a duty of confidentiality and may not disclose your personal data unlawfully or unnecessarily. If you suspect that your personal data have fallen into the wrong hands, you should always contact ING to help us with the long-term protection of your personal data.

13.

Changes to this privacy policy

We may amend this privacy policy to comply with changes in the law and/or how our company processes personal data. We will then change the revision date on the first page accordingly. However, we recommend that you regularly review this statement to remain consistently informed about how we process and protect your personal data.

Information on your right to object under Article 21 of the GDPR

1. Right of objection in individual cases

You have the right to object to the processing of your personal data, on grounds relating to your particular situation. The prerequisite for this is that the data processing is carried out in the public interest or on the basis of a balancing of interests. This also applies to profiling.

In the event of an objection, we will no longer process your personal data unless we can prove compelling reasons worthy of protection for the processing of this data, which outweigh your interests, rights and freedoms. Or your personal data serve to assert, exercise or defend legal claims.

2. Objection to the processing of your data for our direct mailings

Please note: We do not use your personal data for direct marketing.

Addressee of an objection

Your objection can be made without observing any formal requirements – simply write “Objection” in the subject line and include your name, your address and your date of birth in the following text. Send your objection to:

ING-DiBa AG
Data protection officer
Theodor-Heuss-Allee 2
60486 Frankfurt am Main
E-mail: datenschutz@ing.de