

# Personal data protection policy



# **Personal Data Protection Policy**

Société Générale Bank & Trust, Luxembourg 2018

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## Information on the document

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<b>Acronym or abbreviation</b>	<b>Long form</b>
<b>GDPR</b>	Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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 (General Data Protection Regulation, hereinafter "GDPR")
<b>DPO</b>	Data Protection Officer
<b>CNPD</b>	National Commission for Data Protection (Luxembourg)
<b>CSSF</b>	Financial Sector Supervisory Authority (Luxembourg)

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## 1. Purpose

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With effect from 25 May 2018, the protection of personal data in the European Union has been strengthened by the introduction of the General Data Protection Regulation (GDPR). This Regulation increases the responsibility of companies and gives new rights to individuals.

**Société Générale Bank & Trust (SGBT)** is a multi-businesses bank offering private banking, corporate banking and securities services (authorised as a credit institution under Luxembourg law by the CSSF by virtue of the Law of 5 April 1993 on the financial sector, as amended). SGBT is part of the Société Générale Group.

Société Générale Bank & Trust (SGBT) has always been committed to protecting all personal data of its customers, employees and partners, in accordance with the European and Luxembourg legal framework governing SGBT's data protection and banking and financial activities, and applicable to the internal policies and procedures supporting the protection of personal data within the Société Générale Group.

With the entry into force of the GDPR, SGBT is committed to strengthening the protection of personal data through the implementation of this Policy.

In accordance with Article 24 of the GDPR, and in conformity with the commitment of the Société Générale Group, this Policy represents the firm commitment of SGBT's management to the protection of the personal data of its customers and employees, and of third parties.

This Data Protection Policy mainly concerns the following areas:

2. Legal framework and applicable internal policies and procedures
3. Definitions
4. Scope
5. Responsibilities of the various parties
6. Collection of personal data
7. Processing and records of processing activities
8. Disclosure to third parties
9. Transfers outside the European Economic Area
10. Data retention rules (archiving)
11. Rights of the data subject
12. Security measures and management of a possible data breach
13. Data protection by design
14. Training

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## 2. Legal framework and internal policies and procedures

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### A. Legal framework for the protection of personal data within SGBT

The main regulation applicable to personal data protection within SGBT is Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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 (General Data Protection Regulation), which came into force on 25 May 2018. Also applicable are the Luxembourg draft law on the creation of the National Commission for Data Protection and the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, amending the Labour Code and the amended law of 25 March 2015 establishing the salary regime and conditions and procedures for the promotion of public sector employees and repealing the law of 2 August 2002 on the protection of the personal data of natural persons.

Moreover, the European and Luxembourg legal framework governing SGBT's banking and financial activities includes a number of requirements relating to personal data processing, notably the Law of 5 April 1993 on the financial sector, as amended. Similarly, the provisions of Luxembourg's labour legislation apply to the data of employees and job applicants. Lastly, the requirements of the Luxembourg Commercial Code are also applicable, particularly as regards retention periods.

### B. Internal policies and procedures supporting the protection of personal data within SGBT

In addition to this Policy, personal data protection within SGBT is based on the internal policies and procedures of the Société Générale Group and SGBT on the security and protection of IT systems.

## 3. Definitions

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The main terms relating to personal data protection used in this Policy are:

#### **Personal data**

“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” (Article 4 of the GDPR).

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### **Special categories of personal data ('sensitive data')**

Pursuant to Article 9 of the GDPR, the special categories of personal data include “personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and [...] genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation”.

### **Processing**

“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, alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction” (Article 4 of the GDPR).

### **Controller**

“The 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 Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law” (Article 4 of the GDPR).

### **Supervisory authority**

“Supervisory authority’ means an independent public authority which is established by a Member State pursuant to Article 51” (Article 4 of the GDPR).

In Luxembourg, the National Commission for Data Protection (CNPD)<sup>1</sup> oversees the application of the GDPR as one of its control responsibilities, and ensures that the rights of data subjects are respected.

### **Processor**

“Processor’ means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller” (Article 4 of the GDPR).

<sup>1</sup> <https://cnpd.public.lu/fr.html>.

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## 4. Scope

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This Policy applies to all personal data processed by SGBT.

Data subjects are:

- Clients (natural persons), representatives and beneficial owners (natural persons) of clients and partners (legal entities), contact persons and prospects;
- Employees of the company (staff), external service providers, apprentices, volunteers on the VIE (Volunteers for International Experience) scheme, trainees or job applicants.

The Policy is applied on a cross-functional basis to all personal data processed in the context of SGBT's operations.

## 5. Responsibilities

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### A. Controller

As part of its activities, Société Générale Bank & Trust acts as the Controller of the personal data provided to it, as defined in the GDPR.

The Data Controller is responsible for ensuring that the necessary measures are taken for the purposes of complying with the legal obligations in respect of personal data protection.

#### **Contact details:**

**Société Générale Bank & Trust, a *société anonyme* (limited company) incorporated under Luxembourg law**

**Arnaud Jacquemin, Administrateur Délégué (CEO)**

11 avenue Emile Reuter  
L-2420 Luxembourg

Customer Reception:  
18 Boulevard Royal  
L-2449 Luxembourg

Postal address:  
B.P. 1271 - L-1012 Luxembourg

Tel.: +352 47 93 11 1

Fax: +352 22 88 59

RCS Luxembourg B 6061

[www.sgbt.lu](http://www.sgbt.lu)



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## **B. Data Protection Officer**

Within SGBT, Bienneke Russon has been appointed as SGBT's Data Protection Officer in accordance with Article 37 of the GDPR.

### **Contact details:**

#### **Bienneke Russon, *Data Protection Officer***

Société Générale Bank & Trust

18 Boulevard Royal

L-2449 Luxembourg

Tel.: +352-47.93.11.5046

Email: lux.dpooffice@socgen.com

## **C. Employees and external service providers**

Any person working for SGBT, as an employee or external service provider, is required to respect the personal data protection measures described in this document and to comply with the obligations contained in the legal framework applicable to the Luxembourg and European banking and financial sectors.

## **D. Processors**

Third-party processors that process personal data on behalf of SGBT (as described in Articles 4.8 and 28 of the GDPR) are required to comply, in particular, with the obligations set out in Article 28 of the GDPR, which will be notified to them by SGBT.

In certain cases, SGBT will be the Processor for clients who entrust it with personal data processing. In this regard, SGBT commits to comply with the requirements of Article 28 of the GDPR, which will be notified to it by its clients acting as Data Controller.

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## 6. Collection of personal data

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### A. Types of data collected by SGBT

SGBT collects and processes the personal data provided by its clients (natural persons), the representatives and beneficial owners of its clients (legal entities), and its employees, partners and suppliers, such as their identity and contact information, work situation, financial or bank information, and the information generated when they use their accounts or any products purchased, or when they navigate on its sites or using apps.

This data includes:

- Identity data: name, address, date of birth, nationality, identity documents, email address, telephone number, number of dependent children;
- Data relating to personal life or to a person's interests;
- Working life data: professional status, job title;
- Financial information: transaction, tax and residence data, account number, credit card number, income details, tax band, estate valuation;
- Connection data: user name and password for online services and apps, IP address;
- Sensitive data: deputyship (adults), guardianship (minors), any criminal convictions, any health information (loan insurance, employees, etc.);
- Conversations and communications conducted on the telephone or electronically;
- Video surveillance data.

This personal data is collected:

- directly from the data subjects;
- during searches or the provision of information on services and products or jobs offered, or;
- during the process of signing an agreement;
- and during contractual relationships;
- when generated by client, employee, partner or third party activities;
- from third parties and/or public sources when a legal obligation requires it.

### B. The use of personal data by SGBT

SGBT only collects and processes the personal data that is strictly necessary in the context of its activities to offer high-quality products and services that meet its clients' requirements, and for the purposes of optimum management of human resources, partnerships and purchases.

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In the context of its activities, SGBT uses personal data for the purposes of:

- efficient performance of its operations, such as the management of accounts, human resources and all the products and services it offers, the security of banking transactions and measures aimed at combating fraud;
- compliance with its national and international legal and regulatory obligations, such as combating money laundering and terrorist financing;
- identifying customer requirements, with the aim of increasing the personalisation of relationships and carrying out its advisory duties more effectively.

These uses are based on:

- contractual relationships (banking, employment contract, sale or purchase contract, etc.);
- the applicable legislation and regulations, or 'legitimate interests';
- or, for more specific uses, based on consent.

Furthermore, SGBT only keeps personal data for the period of time necessary for these uses and/or in accordance with the applicable laws and regulations.

## 7. Processing and records of processing activities

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Data subjects (clients, representatives and beneficial owners of client companies, employees and third parties) that provide information to SGBT will be notified through this Policy that the personal data (i.e. all information relating to an identified or identifiable natural person) provided, and necessary for the performance of transactions and rendering of services in their regard, will be subject to processing.

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 [...] (as set out in Article 4.2 of the GDPR).

Processing is performed by SGBT primarily for the following purposes:

- managing the banking relationship with the client in respect of the account(s) and/or products or services purchased, including through marketing and statistical analyses used in managing SGBT's relationship with the client.
- human resources management
- relationships with third parties
- conducting opinion, satisfaction, statistical and wealth-related surveys.
- management, analysis and granting of loans, risk selection.
- combating fraud.
- complying with the legal and regulatory obligations, particularly with regard to operational risk management (including the security of computer networks and transactions, and of the use of international payment networks and the custody or sub-custody of financial instruments), combating money laundering and terrorist financing, obligations related to financial markets, and determining tax status.

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- identifying the accounts and safe deposit boxes of deceased persons.
  - the processing of disputes, recovery or transfers of debt, and more generally managing payment incidents.
  - the processing of personal data generated by behaviours or actions that are extremely reprehensible.
  - new business development, sales promotions and advertising campaigns.
  - recording conversations and communications with the client, irrespective of medium (email, fax, phone interview, etc.), for the purposes of improving call handling, complying with the legal and regulatory obligations relating to the financial markets, and ensuring the security of transactions.
  - video surveillance.

In accordance with the requirements of the GDPR (Article 30.1), SGBT maintains a record of its processing activities concerning personal data. The purpose of processing and its legitimate interests basis are stated in the record.

The record is maintained over time, depending on the various factors that may affect it, such as new processing, an alteration to the existing processing or a new regulation.

## 8. Disclosure of personal data to third parties

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SGBT may disclose personal data to other legal entities within the Société Générale Group, and to its contractual partners, brokers, insurers, data processors and service providers, within the limits necessary to carrying out the processing described above.

SGBT may also disclose personal data, on request, to official bodies and to the relevant administrative or legal authorities, located within or outside the European Union, particularly in relation to anti-money laundering and anti-terrorist financing rules.

For disclosure to third parties, and in particular, the exchange of information with Data Processors, SGBT will take all the measures stipulated by the applicable regulations, including the GDPR, in order to maintain the confidentiality and security of the personal data concerned.

## 9. Transfers of personal data to third countries or international organisations

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In view of the international nature of the Société Générale Group, and to optimise the quality of its services, SGBT may transfer personal data to third countries or international organisations for which the personal data protection legislation differs from that applicable in the European Union.

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In such an event, unless the country concerned has been officially recognised by the European Commission as providing an adequate level of personal data protection, SGBT will ensure that the personal data transferred is protected by appropriate standard contractual clauses or other guarantees mentioned in the GDPR.

Moreover, these transfers shall be made in compliance with Article 41 of the Law of 5 April 1993 on the financial sector, as amended. Such data transfers shall take place in accordance with conditions and guarantees aimed at ensuring the protection and security of the personal data.

## 10. Data retention rules (archiving)

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In all cases of personal data processing, SGBT applies retention rules and procedures (storage period and action at the end of the storage period) so that the data processed is not kept within production systems longer than is necessary.

## 11. Security measures and management of a data breach

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The security of client accounts and data is central to SGBT's business. SGBT places the same level of importance on personal data confidentiality as on the protection of its clients' finances.

Under no circumstances will personal data be sold or transferred to third parties. The trust of its clients, employees and partners is SGBT's priority.

Risk analyses are carried out and all the necessary measures taken to remove or mitigate any risks identified. The relevant responsibilities have been assigned.

Furthermore, an incident response procedure, together with a procedure for informing the data subject(s) and supervisory authority as soon as possible and in a secure manner has been put in place.

## 12. Data protection by design

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In accordance with Article 25 of the GDPR, SGBT uses technical and organisational personal data processing systems that have been designed to ensure the protection of personal data.

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## 13. Rights of the data subject

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This Policy is designed to ensure that data subjects can exercise their rights in accordance with the GDPR. Clients (natural persons, or representatives or beneficial owners of legal entities), employees and third parties, and more generally, any natural person who is a data subject, have the right to information, access, rectification, erasure and restriction of processing, as well as the right to data portability, in accordance with Articles 13 to 22 of the GDPR.

Any person may object, at any time, for reasons relating to his/her specific situation, to their personal data being processed.

It should be noted that exercising certain rights may, on a case by case basis, mean that SGBT is unable to provide the product or service. In addition, some of these rights cannot be exercised if this would lead to the erasure or modification of data that SGBT is legally or contractually obliged to disclose or keep.

No payment is required for the provision of data to a data subject or for any communications made or measures taken in respect of the exercise of rights by a data subject.

However, Article 12.5 of the GDPR states that where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the Data Controller may either charge a reasonable fee or refuse to act on the request.

In compliance with the obligations imposed by the GDPR, data subjects shall be informed, in particular by this Policy and the General Terms and Conditions, if applicable, of the processing of their personal data and their rights in this regard.

Data subjects may exercise these rights by contacting the SGBT's Data Protection Officer:

--by contacting their usual contact;

--by sending a request by post, or by email to [Lux.dpooffice@socgen.com](mailto:Lux.dpooffice@socgen.com),

and also following the same procedures as those for complaints, as described in Article 19 of the General Terms and Conditions, if applicable;

--by going online (using e-banking, "Gallery", or for employees, the helpdesk).

Data subjects may also file a complaint with the National Commission for Data Protection (CNPD), the supervisory authority responsible for compliance with personal data obligations, at the following postal address: 1, avenue du Rock'n'Roll, L-4361 Esch-sur-Alzette or via the website [www.cnpd.lu](http://www.cnpd.lu)

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## 14. Training

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All SGBT employees receive specific personal data protection training.

SGBT makes available and uses e-learning to support training.

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## 15. Informing data subjects

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SGBT provides data subjects with information on the protection of their personal data:

- **Clients and third parties**: mainly via the SGBT website: <https://www.sgbt.lu/fr/rgpd-charte-donnees/>, and its General Terms and Conditions, if applicable
- **Employees**: mainly via SGBT's intranet

## 16. Final provisions

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This Policy is applicable from 17 July 2018, and will be subject to regular updates, in accordance with the priorities identified.

**For any further information on the Policy or procedures, please contact:**

Bieneke Russon

*Data Protection Officer*

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