

## **DATA PROTECTION DECLARATION**

This data protection declaration explains what happens with personal data (“data”) that we collect from you or that you provide to us when visiting our website (“site”).

### **1. Who are we?**

The data controller for the purposes of the data protection laws is

#### **ERSTE Immobilien Kapitalanlagegesellschaft m.b.H.**

Am Belvedere 1, A-1100 Vienna

(called “Erste Immobilien” in the following), which is an Austrian real estate investment firm. It has a licence to administer real estate funds according to the Alternative Investment Fund Manager Act and according to the Real Estate Investment Fund Act.

The terms “we”, “our”, and “us” in this data protection declaration refer to ERSTE Immobilien Kapitalanlagegesellschaft m.b.H.

### **2. Introduction and general information**

Part of our business consists of the rental of apartments, business space, and other properties. During these activities, we also collect and process the personal data of the tenants. Data protection is of top priority in this.

This data protection declaration explains our guidelines for handling the personal data that we process. This data protection declaration also explains how you can contact us in the event that you have questions or concerns. Please note that we assume that you have read and agreed to this data protection declaration when you provide us with information or make use of our services.

### 3. What information do we collect?

#### 3.1 General:

We primarily process the data of our tenants and the data that our tenants provide to us, which can include personal data. These data are processed for the purposes of managing the rental agreement. This consists of the following data in most cases (though individual items may not apply to everyone):

- First name, last name
- Date of birth
- (Previous) home address
- (New) home address
- Periodic rent and other payments
- ID copies
- Wage slips/other proof of income (such as divorce settlements, pension commitments, welfare)

#### 3.2 Assisted living:

Under some rental agreements (“assisted living”), we also document the fact that an assistance agreement is in place with a social agency. We do not document or process the provisions of the contract or the reason for the need for assistance.

#### 3.3 Student residences:

Tenants at student residences and persons who are interested in a student residence can apply for a residence and upload data on a separate website. These data are not processed differently than for other rental agreements (see item 3.1).

#### 3.4 Projects:

For some new construction projects, we allow interested parties to register on project websites that we operate for the purposes of later rental. For this, we generally collect the first and last name and a contact address and/or telephone number (depending on what the interested person provides). If a rental agreement is concluded, these data are not processed differently than for other rental agreements (see item 3.1).

#### 3.5 Special categories of personal data:

We would like to note that information such as social security numbers, religious affiliation, and/or sexual orientation are special categories of personal data that we neither request nor process. Should you provide such information, these data are not knowingly recorded by us or processed in any other way under the definition of the data protection laws. Should we become aware of this, we will delete this data without being requested to do so.

#### 3.6 E-mail correspondence:

We save any e-mail correspondence conducted with you as part of our normal business activities. This correspondence is stored in our e-mail program, and the messages are regularly archived or deleted when they are not needed.

#### 3.7 Website:

When you visit our website, we collect no personal data aside from the IP address of the device from which you access our website. However, we employ various analysis tools that serve to determine the traffic on our website and to make the use of our site easier. We or third parties cannot identify you based on these data. These tools in detail:

Cookies: Cookies are information that are stored directly on the computer that you use. Cookies allow us to collect information such as the browser type, time spent on our website, the pages that were accessed, preferred languages, and other data about the web traffic. Together with our service providers, we use this information for

security purposes, to improve online navigation, to display information more effectively, to adapt your individual experience when using our website, and to analyse user activity in other ways. We can recognise your computer to improve your use of our website. We also collect statistical data about the use of our website to continuously improve its design and functionality, to understand how it is used, and to help us in answering questions. Cookies also allow us to determine which of our advertisements and offers appeal to you the most and allow us to display them. If you do not wish data to be collected by means of cookies when you use your customer profile or our website, most browsers can easily be configured to automatically block cookies or to allow you to choose whether to block or accept certain cookies from certain websites. More information can be found at <http://www.allaboutcookies.org/manage-cookies/index.html>.

Analysis tools: We use services from third parties for website and application analysis in which information about the use of websites and apps is collected and trends reported by cookies and other technologies without identifying individual users. These third-party service providers can also collect information about your use of third-party websites. You can download the browser add-on to opt out of Google Analytics from <https://tools.google.com/dlpage/gaoptout>, or find more information about how Google collects this information and how you can object to this.

#### **4. How do we use your data?**

We use your data solely to process your rental agreement with us, and to process enquiries from interested persons. We may also use your data to inform you of current developments relating to your rental property, to answer enquiries and fulfil orders, to collect feedback about our services, and to send administrative information such as information about or changes to our business terms and guidelines.

We do not process your data for any other purposes.

#### **5. Legal basis**

We process your data based on one or more of the following legal bases. Not all of them may apply to you personally.

- Because it is necessary for the negotiation, conclusion, or administration and handling of your rental agreement, and thus for the fulfilment of the contractual relationship or the completion of pre-contract measures.
- Based on your consent (please note that this consent can be revoked at any time, further information on this can be found below).
- Because it is required by legal obligations that we must fulfil. This pertains especially to the tax-related retention obligations pursuant to § 132 (1) BAO, §§ 190, 212 UGB, and § 18 (2) UStG, or documentation and retention obligations pursuant to § 33 WAG 2018 and § 21 Austrian Investment Fund Act or under the anti-money laundering provisions in § 21 Financial Market Money Laundering Act.
- Because the processing of your data is required by our legitimate interests. Market communication and advertising are legitimate interests.
- Because it is required by our legitimate interest in the management, operation, and optimisation of the website.
- Because it is required by our legitimate interest relating to quality control and business planning.
- Because it is required to enforce our legal claims (collections, etc.).

## **6. With whom do we share your information?**

6.1 We work with different building administrators to handle your rental agreement and to manage our rental properties. These are generally the following companies at this time:

- Building administrators in Austria:
  - Arealis Liegenschaftsmanagement GmbH, Vienna
  - ARWAG Immobilienreuehand GmbH, Vienna

- Österreichisches Volkswohnungswerk Gemeinnützige Ges.m.b.H, Vienna
- Building administrators in Germany:
  - B & L Property Management GmbH, Hamburg
  - Tax representative in Germany:

Our building administrators receive data from us that we have stored about our tenants when these data are needed for the proper fulfilment of their administrative tasks, especially the rental agreement, first name, last name, date of birth, (previous) home address, (new) home address of the tenant, and information about the amount of the rent, the operating costs, and other claims and payments.

Corresponding agreements have naturally been concluded when these building administrators are processors pursuant to Art 28 (3) DSGVO.

- 6.2 When real estate agents work for us, we may provide them with information about the conclusion of a rental agreement (or the lack of such an agreement) for the purposes of commission settlement. This information may contain personal data. The real estate agents are not permitted to use such data from us for any other purposes.
- 6.3 We must submit topography lists for our rental properties to appraisers on a regular basis to have our properties valuated. These data are primarily processed in anonymised form, and therefore do not infringe upon your rights. In individual cases, we are required to submit tenant lists to the appraisers in non-anonymised form because they are requested in this form. In these cases, the data are shared in fulfilment of our legal obligations. We naturally conclude contractual agreements in such cases to ensure the protection of your data.
- 6.4 In order to complete our administrative tasks and process our contracts efficiently, we are sometimes required to pass data about our tenants on to external service providers (processors) that need to process the data in accordance with our requirements and instructions to fulfil their contracts with or orders from us. These are primarily our IT service providers, our auditors and tax consultants, and our attorneys.

- 6.5 Aside from these cases, we generally do not pass data about our tenants to third parties unless this is necessary to fulfil legal obligations, for example when we believe that this is legally required; to answer lawful enquiries from government agencies conducting an investigation; to assess or enforce our guidelines and processes; to respond to emergencies; to prevent an action that we believe or know to be unlawful, unethical, or legally questionable; to protect our rights, property, or the security of our services, third parties, visitors accessing our services, or the public, which we determine at our sole discretion.

## 7. Your rights

As stated above, we attach considerable importance to the proper, transparent, and especially confidential handling of your data. To this end, we wish to inform you of your rights:

### 7.1 Right to access or rectification

You can request information about what data about you we process and/or have stored at any time and have this data corrected, if necessary. We will answer your enquiries in accordance with our legal obligations. We may need additional information from you in order to process such enquiries, such as a copy of your ID or information about the offered position. We will respond to justified requests for information and/or rectification within the legally required period of no more than one month.

### 7.2 Right to erasure

You have the right to have your data erased when the data are no longer needed for the purposes for which they were collected or otherwise processed; you revoke your consent to the processing of your data or have objected to the processing of your data (if there is no other legal basis for processing); if your data are being processed unlawfully; the erasure of your data is required to fulfil a legal obligations; or when the information was collected from a child (a person under the age of 16) in connection with information society services. You can submit requests for erasure to the contact address given below. We will respond to justified requests for erasure within the legally required period of no more than one month.

### 7.3 Right to limitation

You have the right to demand the limitation of the processing of your data. You can submit requests for limitation to the contact address given below. We will respond to justified requests within the legally required period.

### 7.4 Right to object

You have the right to object to the processing of your data at any time when we process your data in public interest or to protect our important interests. This also applies when your personal data are processed for the purposes of direct marketing or profiling. Your data will then no longer be processed for these purposes and will be deleted. You can submit objections to our contact address below at any time.

### 7.5 Right to revoke

You have the right to revoke the consent you have granted for the processing of your data at any time with no negative consequences for you. You can submit your revocation to our contact address below at any time.

### 7.7 Filing complaints

If you believe that your data protection rights have been violated, we recommend that you contact us first so that we can evaluate the situation and rectify it, if necessary. You also have the right to file a complaint with the Austrian Data Protection Authority.

## 8. **Security**

We strive to implement suitable organisational, technical, and administrative security measures to protect information within our organisation. Unfortunately, the security of any data transmission or storage system cannot be guaranteed completely at all times. Should you have reason to believe that your interaction with us is no longer secure, please inform us of the problem immediately. The sooner you inform us, the better we can limit any potential damage.



## **9. Retention periods and deletion deadlines**

We retain data that we have received from you for as long as necessary to fulfil the purposes explained in this data protection declaration unless the law permits or requires a longer retention period. We generally apply the following erasure concept:

Your data are generally processed in personalised form on the legal bases listed above for the duration of your rental agreement and for a period of 40 months after the termination of your rental agreement. This is to facilitate the enforcement of contractual damage claims plus a maximum of four months for notice of a lawsuit to be delivered.

After this, your data may be processed in personalised form until the end of the legal retention obligations pursuant to § 132 (1) BAO, §§ 190, 212 UGB, and § 18 (2) UStG, pursuant to 33 WAG 2018 and § 21 Austrian Investment Fund Act or under the anti-money laundering provisions in § 21 Financial Market Money Laundering Act.

Your data will be erased or at least anonymised after these deadlines.

## **10. Links**

This data protection guideline is not based on the data protection, information, or other practices of third parties, and we are not responsible for any such information or practices. This includes third parties that operate pages or services to which we provide links. The inclusion of a link on our website indicates no support for the linked site or service from us or an affiliated company, and is also no indication of affiliation with these third parties. Please note that we are not responsible for the data collection, use, or disclosure guidelines and practices (including data protection practices) of other organisations such as app developers, app providers, providers of social media platforms, operating system providers, or WIFI providers. We are also not responsible for any information that you disclose to other organisations through or in connection with our software applications or websites in the social media.

## **11. Updates to these guidelines**

We can amend this data protection declaration at any time. Please note the “Last update:” information at the end of the page. All amendments to this data protection declaration shall come into effect as soon as we publish the amended version through

our services. You indicate your acceptance of the amended data protection declaration once you provide us with information after the publication of these amendments.

## 12. Contact options

We look forward to your questions, comments, or suggestions about this data protection declaration. You can contact us through our contact form at

<https://www.ersteimmobilien.at/de/home#kontakt-erste-immobilien-kag>

or by using the following contact information.

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Last update: 24 May 2018