

Data protection with regard to payment transactions

Processing of personal data by Landesbank Baden-Württemberg (LBBW) in accordance with Article 14 of the General Data Protection Regulation (GDPR) for payment transactions.

Many savings banks and banks process their customers' payment orders in Germany and abroad with the assistance of LBBW through its access to settlement systems, and its correspondent banking network. LBBW also assists savings banks and domestic and foreign banks in the processing and forwarding of payment orders in Germany and abroad to foreign payment recipients. LBBW is providing the following information about these activities under Art. 14 GDPR:

Name and contact details of the Data Controller and their representative:

Landesbank Baden-Württemberg, Am Hauptbahnhof 2, 70173 Stuttgart, Tel.: +49 (0)711 127-0, Fax:+49 (0)711 127-43544 kontakt@LBBW.de - hereinafter referred to as "LBBW" - represented by the Chairman of the Board of Managing Directors, Rainier Neske, registered office at the same place.

Contact details of the Data Protection Officer

Mr. Ludger Viktora, Am Hauptbahnhof 2, 70173 Stuttgart, Tel.: +49 (0)711-12773495, Fax: +49 (0)711-1276673495, Ludger.Viktora@LBBW.de

Purpose for which personal data is to be processed and the legal grounds:

The purpose is to process payment orders. This may involve payment orders for customers of savings banks or other banks on whose behalf LBBW processes the payment being received by LBBW ("incoming payment orders"). Payment orders from customers of savings banks or other banks on whose behalf LBBW processes the payment may also be sent out by LBBW ("outgoing payment orders"). As an "intermediary" LBBW may also forward payment orders from one payment service provider to another. These scenarios can occur in foreign payment transactions and domestic payment transactions.

The legal basis for the necessary processing of personal data here is Art. 6(1c) GDPR (compliance with a legal obligation). As a payments bank dealing with domestic and foreign payments, LBBW is subject to various legal obligations, i.e. legal requirements (e.g. Transfer of Funds Regulation (EU) 2015/847 and German laws such as the Banking Act, Money Laundering Act, Securities Trading Act, tax laws, Foreign Trade and Payments Act, Foreign Trade and Payments Ordinance), as well as banking supervisory regulations (e.g. from the European Central Bank, the European Banking Authority, Deutsche Bundesbank and Federal Financial Supervisory Authority). Processing may involve identity and age verification, fraud and money laundering prevention, compliance with legal tax monitoring and reporting obligations and the evaluation and control of risks, for example.

Categories of personal data to be processed and the sources from which personal data arises:

When handling payment transactions in Germany and abroad, LBBW processes all personal data contained in the order, in particular, the name and address of the sender and recipient, the amount, the specified payment purpose, and the name of the beneficiary bank.

In the case of outgoing payment orders LBBW receives the necessary personal data from the savings bank or bank it is using to execute the payment order. In the case of incoming payment orders LBBW receives the data from the correspondent bank which LBBW is using or from the operator of the payments system through which LBBW has received the payment order to be processed.

Recipient or categories of recipients of the personal data:

LBBW transfers personal data in outgoing payment orders to the operators of payment transaction systems and correspondent banks involved in settling a payment order.

When there is an incoming payment order LBBW will transfer personal data to the payee if the latter holds his/her account with LBBW or to the bank or savings bank processing the payment through LBBW and where the payee holds his/her account.

LBBW might also transfer a payment order from abroad, which it is forwarding as an intermediary, to another correspondent bank.

If LBBW transfers to a correspondent bank the data needed to process a payment transaction, it will select the one that seems most suitable for executing the payment order. Depending on the address and bank details of the payee, foreign correspondent banks may be used, even multiple times. Depending on the address of the payee it is possible that the correspondent banks used and payee may be located in third countries that are unsafe from a data protection perspective.

Other recipients are entities LBBW must transfer your data to due to statutory regulations.

Processors LBBW also uses for orders can receive data for these purposes. These are companies in the categories of IT services, logistics, printing services, telecommunications, collections, and advisory and consulting.

Data controller's intention to transfer the personal data to a third country or an international organization:

In the case of foreign payment transactions, transferring the data needed to execute the foreign payment order to a third country is an essential prerequisite for executing the order and is therefore carried out according to the wishes and in the knowledge and interest of the customer placing the payment order, Art. 49(1) (1b, c) GDPR. An adequacy decision by the Commission is often not available. Where correspondent banks in countries other than the one in which the payee is located need to be used, LBBW will as far as possible choose correspondent banks with the appropriate safeguards under Art. 46 GDPR.

If LBBW accepts the payment orders from foreign correspondent banks for forwarding to a domestic payee, it has no intention to transfer it to a third country or an international organisation.

Duration for which the personal data will be stored, or, if this is not possible, the criteria for determining the duration:

LBBW is subject to various storage and documentation obligations arising in Germany under the Commercial Code (HGB), Fiscal Code (AO), Banking Act (KWG), Money Laundering Act (MLA) and external economic legislation, for example. The specified time limits for storage and documentation range from two to ten years. Lastly, the storage period is also evaluated in accordance with statutory limitation periods, which, for example, in the case of sections 195 et seq. of the German Civil Code (BGB) are three years but, in some cases, can be up to 30 years.

Data subject rights:

Every data subject has the right to receive information under Art. 15 GDPR, the right to rectification under Art. 16 GDPR, the right to erasure under Art. 17 GDPR, the right to restriction of processing under Art. 18 GDPR, and the right to data portability under Art. 20 GDPR. In the case of the right to access of data and the right to erasure, the limitations set out in Sections 34 and 35 of GDPR apply. In addition, there is a right to lodge a complaint with a supervisory authority, Art. 77 GDPR in conjunction with section 19 FDPA.

Information on the existence of a right of appeal to a supervisory authority:

LBBW's data protection supervisory authority is:

Landesbeauftragte für den Datenschutz Baden-Württemberg

Dr. Stefan Brinck

Königstraße 10a

70173 Stuttgart

Telephone: 0711 6155410

Fax 0711 61554115

Information on the existence of automated decision-making, including profiling under Art. 22(1) and (4) GDPR:

No automated decision-making takes place.

LBBW processes some data of customers placing payment orders and recipients of payment orders automatically in order to evaluate certain personal aspects (profiling). LBBW conducts profiling due to legal and regulatory requirements to combat money laundering, financing of terrorism and criminal acts putting assets at risk, for example. For this data evaluations (including of payment traffic) are required.