

Annex № 3  
to the Order of JSC VTB Capital  
of March 30, 2018 № 27

## JCS VTB Capital Personal Data Processing Policy

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## 1. Purpose of policy

- 1.1. This document determines Policy of JSC VTB Capital in relation to the personal data processing and ensuring their security (hereinafter - the Policy) and is the public (publicly available) document.
- 1.2. The Policy has been developed in fulfilment of the requirements of the Federal Law №152-FZ “On Personal Data” as of 27.07.2006 as well as the other statutory and regulatory enactments of the Russian Federation in the field of personal data, and is valid in relation to all personal data being processed JSC VTB Capital (hereinafter – the Company).

## 2. Terms and definitions

In this Policy, the following terms and definitions are used:

- **Company** – JSC VTB Capital.
- **Information security (InfoSec)** is the state of protection in the conditions of threats related to information sphere.
- **Personal data information system** is the aggregate of personal data contained in the databases and information technologies and hardware ensuring their processing.
- **Personal data processing** is any action (operation) or the combination of actions (operations) performed with personal data with or without use of automation means, including collection, recording, systematization, accumulation, storage, clarification (updating, changing), extraction, use, transfer (distribution, provision, access), anonymizing, blocking, removal, destruction of personal data.
- **Operator** is the government authority, municipal authority, legal entity or individual organizing and (or) performing of processing of the personal data, independently or jointly with other persons, as well as determining the purposes of personal data processing, content of the personal data to be processed, actions (operations) performed with the personal data.
- **Personal data** are any information related directly or indirectly to the definite or definable individual (personal data subject); the detail is given in the Section 5 of the Policy.
- **The Policy** – this document.
- **Personal data subject** is an individual who owns personal data.
- **FZ-№152** – the Federal Law №152-FZ “On Personal Data” as of 27.07.2006.

### **3. General provisions**

- 3.1. One of the conditions to achieve the objectives of the Company's activity is ensuring the necessary and sufficient level of information security of assets of the Company, which include, among others, the personal data (hereinafter – the personal data) and processes within which they are processed.
- 3.2. Ensuring the legally valid processing of personal data and the safety of personal data being processed is one of the priority tasks of the Company.
- 3.3. The Policy defines the principles, conditions and general procedure for the processing and protection of personal data of various categories of personal data subjects, whose personal data are processed by the Company, and has been developed in order to ensure the protection of rights and freedoms of the person and the citizen while processing his personal data, including protection of the rights to personal privacy, personal and family secrets.
- 3.4. Personal data relate to the confidential information of the Company and are subject to all information security requirements used in the Company for protection of the confidential information, except for the cases when the personal data are consider publicly available and/or impersonal.
- 3.5. The policy is binding for all employees of the Company.
- 3.6. The employees of the Company, whose job duties involve access to the personal data processed by the Company, must be familiarized with this Policy against signature when being hired and (or) transferred to the corresponding position/ role.

### **4. Personal data processing principles**

- 4.1. The Company considers that its important task is to ensure the legality and fairness of personal data processing, to maintain their confidentiality and safety of operations on their processing.
- 4.2. Personal data processing in the Company is based on the following principles:
  - personal data are processed on the legal and fair basis;
  - personal data processing is limited by achieving specific, predetermined and legal purposes;
  - the scope and volume of personal data being processed comply with the declared purposes of their processing, there is no redundancy of the personal data being processed in relation to the purposes of their processing;
  - it is inadmissible to combine the databases containing personal data being processed for mutually incompatible purposes;
  - the accuracy and sufficiency of personal data, as well as, where necessary, their relevance in relation to the purposes for which they are processed, are ensured;
  - personal data are stored in the form that enables to identify the personal data subject no longer than it is required for the purposes of personal data processing, in case the personal data storage period is not established by the legislation of the Russian Federation, by the agreement under which the personal data subject acts as a party, beneficiary or guarantor.

## **5. Categories of personal data being processed**

- 5.1. The list of the personal data being processed in the Company is formed in accordance with the Federal Law №152, statutory and regulatory enactments of the Russian Federation as well as the Charter of the Company, agreements and business processes of the Company.
- 5.2. The Company does not perform processing of the special personal data categories relating to racial or ethnic origin, political opinions, religious or philosophical beliefs and intimacy, as well as processing of biometrical personal data.

## **6. Grounds for personal data processing in the Company**

- 6.1. The personal data processing in the Company is carried out in the following cases:
  - personal data processing is carried out with the consent granted by the personal data subject to processing of his personal data;
  - personal data processing is required in order to achieve the objectives stipulated by the international treaty of the Russian Federation or by the law; to exercise and perform functions and powers assigned to and obligations imposed on the Company by the legislation of the Russian Federation;
  - personal data processing is required for performance of the agreement, under which the personal data subject is a party, beneficiary or guarantor, as well as for conclusion of the agreement at the initiative of the personal data subject or the agreement under which the personal data subject will be beneficiary or guarantor;
  - personal data processing is required for protection of life, health or other vital interests of the personal data subject in case it is not possible to obtain the consent of the personal data subject;
  - personal data processing is required for exercise of the rights and legal interests of the Company or third parties or for the attainment of socially significant objectives, provided that it doesn't infringe the rights and freedoms of the personal data subject;
  - personal data processing is carried out in relation to the personal data, to which the public access is granted by the personal data subject or at his request (hereinafter - publicly available personal data);
  - personal data processing is carried out in relation to the personal data, which are subject to publication or compulsory disclosure in accordance with federal law.

## **7. Purposes of personal data processing**

- 7.1. The Company performs the personal data processing for the specific, predetermined and legal purposes and on the legal grounds.

## **8. General procedure for personal data processing**

- 8.1. Personal data are processed by the Company both with the use of automated means and without use of such means

- 8.2. The Company shall notify the personal data subject upon receipt of his personal data from third party and inform him of the source of receipt of his personal data, his rights regarding personal data being processed, name and address of the Company, purposes and legal ground for personal data processing, supposed users of personal data. The exception is provided by the cases when:
- the personal data subject is informed of processing of his personal data by the corresponding operator;
  - personal data were transferred to the Company on the basis of the requirements of the federal law or in connection with performance of the agreement, under which the personal data subject acts as a party, beneficiary or guarantor;
  - personal data are publicly available;
  - the Company processes the personal data by the order of the third party-operator on the basis of the agreement concluded between the Company and third party-operator;
  - furnishing of the information, listed in this paragraph, to the personal data subject violates the rights and legal interests of third parties.
- 8.3. The Company transfers the personal data to governmental bodies and authorized persons within the limits of their powers and competence in accordance with the legislation of the Russian Federation.
- 8.4. The personal data are transferred to the representative of the personal data subject (including to the lawyer) in accordance with the procedure regulated by legislation in force of the Russian Federation and in the volume established by the instruction of the personal data subject, upon the availability of one of the following duly executed documents:
- the original of notarized power of attorney for the representative of the personal data subject;
  - the application written by the personal data subject in the presence of the employee of the Company and certified by the employee of the Company who has accepted the application (or the application certified by the notary public, in case it was executed in the absence of the employee of the Company).
- 8.5. In case the person who applied to the Company with the request for provision of the personal data is not authorised to receive the information related to personal data, the Company is obliged to refuse to disclose such information with corresponding notification of the mentioned person in relation to refusal.
- 8.6. The Company may entrust the personal data processing to third party, unless otherwise stipulated by the legislation of the Russian Federation. Whereby:
- The personal data provided to the Company by the personal data subject (or by his legal representative) may be processed by the third party only with the consent of the personal data subject (or his legal representative), if such consent is necessary in accordance with the requirements of the Federal Law №152;
  - The personal data may be processed by the third party only on the basis of the agreement defining the list of actions (operations), which will be carried out with the personal data and the purposes of processing, as well as provisions for ensuring the security of the personal data, including requirements not to disclose and not to distribute the personal data without the consent of the personal data subject, unless otherwise stipulated by the legislation of the Russian Federation, as well as the requirements in accordance with Article 19 of the Federal Law №152;

- 8.7. The Company may perform the cross-border transmission of personal data in cases stipulated by the legislation of the Russian Federation, contracts and agreements with international organizations or companies. At the same time, the mentioned contracts and agreements should contain provisions to ensure adequate protection of rights of the personal data subjects' (including provisions to ensure the security of personal data).
- 8.8. The Company conducts activities for the timely detection and introduction of amendments into the personal data being processed in order to guarantee their accuracy, credibility and relevance, including in relation to the purposes of personal data processing.
- 8.9. The changes the in personal data shall be made by the authorized employee of the Company only on the basis of the submitted, duly executed original documents or their certified copies. The personal data subject is directly responsible for the reliability of his personal data when providing or amending them in subscribing to the newsletter of analytical materials.
- 8.10. In case of detection of inaccurate personal data by the personal data subject and in case of application of the personal data subject or his legal representative, or at their request or at the request of the authorized body for protection of the rights of personal data subjects, the Company ensures their blocking from the moment of such application or receipt of the mentioned request, for the period of check, unless blocking of personal data infringes the rights and legal interests of the personal data subject or third parties.
- 8.11. In the event that personal data is confirmed to be inaccurate on the basis of the information presented by the personal data subject or his representative or the authorized body for protection of the rights of personal data subjects or on the basis of the other necessary documents, the Company ensures their clarification within the time period established by the Federal Law № 152 from the day of presentation of such information and cancels their blocking.
- 8.12. In the event that personal data inaccuracy is not confirmed on the basis of the information presented by the personal data subject or his representative or the authorized body for protection of the rights of personal data subjects or on the basis of the other necessary documents, the Company cancels their blocking.
- 8.13. Storage of the personal data in the form allowing identifying the personal data subject should not exceed the time period required by achievement of the objectives of their processing, unless otherwise stipulated by the legislation of the Russian Federation or by the agreement under which the personal data subject acts as a party, beneficiary or guarantor.
- 8.14. During personal data collection, the Company uses databases located on the territory of the Russian Federation for recording, systematization, accumulation, storage, clarification (updating, changing) and extraction of the personal data of the personal data subjects, including the citizens of the Russian Federation.

## **9. Personal data security ensuring**

- 9.1. The Company established the set of legal, organizational and technical measures for ensuring the security of the personal data, aimed at preventing unauthorized or accidental access to them, destruction, alteration, blocking, copying, distribution, as well as the other illegal actions regarding personal data, including on the part of the third parties, in accordance with the requirements of the Federal law № 152 and regulations thereunder.

- 9.2. The measures for ensuring the security of the personal data in the Company include, among others:
- appointment of the employee responsible for organization of personal data processing in the Company;
  - granting unlimited access to this Policy;
  - keeping records of the personal data being processed in the Company and categories of personal data subjects whose personal data are processed;
  - keeping records of the information systems of the Company in which personal data are processed;
  - appointment of the Commission responsible for determination of the required level of protection of personal data processed in the personal data information systems of the Company and for the destruction of personal data;
  - formalization and control of fulfilment of the procedure for personal data processing in the Company;
  - formalization and control of fulfilment of the requirements stipulating destruction of the personal data and their tangible medium;
  - keeping record of employees' positions in the Company, whose access to personal data being processed both with use of automated means and without use of automated means is necessary for the performance of their official (employment) duties;
  - ensuring the familiarization of the Company's employees (with signed acknowledgement) who directly perform personal data processing with the provisions of the legislation of the Russian Federation on personal data, including the requirements to personal data protection, with this Policy and other local enactments of the Company on the issues of processing and protection of personal data;
  - control and segregation of access of the Company's employees and third parties to the personal data being processed in the Company;
  - recovery of the personal data which have been modified or destroyed as a result of unauthorized access to them;
  - inclusion of the provisions on ensuring the security of the personal data into the agreements with the third parties to which the personal data are transferred, including the requirements to maintain confidentiality of the personal data transferred;
  - organization of security regime of the premises, where personal data information systems are located in order to prevent the possibility of uncontrolled access or stay in these premises of the persons who have no right to access these premises;
  - carrying out the regular internal control/ audit of compliance of the processing and ensuring security of the personal data with the legislation in force of the Russian Federation in the field of personal data processing and ensuring security.



## **10. Personal data processing periods**

10.1. Personal data processing periods are determined in accordance with requirements of the legislation in force of the Russian Federation, including the Order of the Ministry of Culture of the Russian Federation № 558 “On Approval of the “List of Standard Managerial Archive Documents Generated in the Course of Activities of Government Authorities, Local Self-Government Bodies and Organizations, with Specification of the Retention Periods” as of 25.08.2010, decree of the FCSM of the Russian Federation as of July 16, 2003 № 03-33 /ps “On approval of the Regulation on the procedure and terms of storage of documents of joint-stock companies”, the internal documents of the Company, terms and conditions of the agreements concluded with personal data subjects and other requirements of the legislation of the Russian Federation and regulatory documents of Bank of Russia.

## **11. Termination of personal data processing**

11.1. Personal data processing is terminated, and the collected personal data are destroyed or (if the processing is carried out by the other party acting by the order of the Company) termination of personal data processing and personal data destruction are ensured in the following cases and within the terms established by Federal Law № 152, unless otherwise established by the legislation of the Russian Federation:

- upon expiration of the established period of personal data processing;
- if the purposes of personal data processing have been achieved or in case achieving these purposes is not required anymore;
- if the personal data subject withdraws consent to the processing of his personal data, if such consent is required in accordance with the legislation of the Russian Federation;
- on demand of the personal data subject or Authorized body for the protection of rights of the personal data subjects in case the personal data are incomplete, outdated, unreliable, illegally obtained or are not necessary for the declared purpose of processing;
- in the case of revealing illegal processing of personal data by the Company or by the party acting by the order of the Company, if it is impossible to ensure the legitimacy of personal data processing.

## **12. Interaction with the federal executive authorities**

12.1. Interaction with the federal executive authorities, including authorized body for the protection of the rights of the personal data subjects, on the issues of processing and ensuring the security of personal data processed by the Company, is carried out in accordance with the requirements of the legislation of the Russian Federation.

### **13. Interaction with the personal data subjects**

- 13.1. The Company promotes the exercise of the legal rights of the personal data subjects and responds to requests and applications from the personal data subjects, including providing them with the information related to processing of their personal data in accordance with the requirements of the legislation of the Russian Federation.
- 13.2. The description of the rights of the personal data subjects established by the legislation of the Russian Federation is described in section 14 of this Policy.

### **14. Rights and obligations**

14.1. The personal data subject is entitled to:

- make decision on providing his personal data and give consent to their processing, willfully and in his own interests;
- demand correction, blocking or destruction of his personal data if the personal data are incomplete, outdated, unreliable, unlawfully obtained or are not required for the declared purpose of processing, as well as to take measures stipulated by the law to protect his rights;
- receive information concerning the processing of his personal data, on the basis of request and in accordance with the procedure established by Federal Law № 152;
- withdraw the consent given for processing of his personal data if such consent is required in accordance with the legislation of the Russian Federation;
- demand the notification of all third parties processing personal data by order of the Company, which were previously provided with his incorrect or incomplete personal data, about all exceptions, corrections or additions made in them;
- appeal wrongful acts or omissions during processing of the personal data of the personal data subject to the authorized body for the protection of rights of the personal data subjects or through legal proceedings;
- have his rights and legal interests protected, including the recovery of losses and (or) compensation for moral harm through legal proceedings;
- exercise the other rights stipulated by the legislation of the Russian Federation.

14.2. The personal data subject is obliged to:

- provide actual personal data and confirm its authenticity by presenting the original documents or their duly certified copies;
- inform the Company about changes in his personal data in timely manner.

14.3. The Company as a personal data operator is entitled to:

- defend its interests in the court;

- provide personal data of subjects to state and other authorized bodies, if it is stipulated by the legislation in force of the Russian Federation (tax, law enforcement bodies, Bank of Russia, etc.);
- refuse to provide the personal data in cases stipulated by the legislation in force of the Russian Federation, including by the legislation on counteraction to legitimization (laundering) of illegally received incomes and financing of terrorism;
- process the personal data of the subject without his consent in the cases stipulated by the legislation of the Russian Federation;
- exercise the other rights stipulated by the legislation of the Russian Federation.

14.4. The Company as a personal data operator is obliged to:

- process and protect personal data in accordance with the requirements of statutory and regulatory enactments of the Russian Federation in the field of processing and ensuring security of Personal Data;
- notify the personal data subject about the processing of his personal data in the event the personal data are received from the third parties, unless otherwise stipulated by the legislation of the Russian Federation;
- provide the personal data subject with the information in relation to processing of his personal data, upon request of the personal data subject, unless otherwise established by the legislation of the Russian Federation;
- verify the authenticity of the personal data provided by the personal data subject or his legal representative by the way of their reconciliation with the information contained in the original documents or their duly certified copies presented by the personal data subject or his legal representative;
- explain the legal consequences to the personal data subject of refusing to provide his personal data, where the provision of personal data is mandatory in accordance with legislation of the Russian Federation;
- organize the receiving and processing of applications and requests from the personal data subjects or their representatives;
- organize the receiving and processing of applications from authorized bodies.

## 15. Final provisions

- 15.1. This Policy is approved by order of the CEO of the Company and publicly available on the Company's website.
- 15.2. The responsibility for control of compliance with this Policy lies with the person appointed Responsible for organizing of the personal data processing in the Company.
- 15.3. The policy is revised and updated when the legislation of the Russian Federation in the field of personal data processing and security is changed, as well as when the processes of personal data processing in the Company are changed, but at least once in every 3 (three) years.

- 15.4. Any changes and/ or additions to this Policy enter into force from the date of approval of the new version of the document by the CEO of the Company.
- 15.5. The issues are not regulated by this Policy are settled in accordance with legislation of the Russian Federation.

## **16. Contact information**

- 16.1. The personal data subjects may send the questions concerning the processing of personal data by the Company to e-mail address [privacy@vtbcapital.com](mailto:privacy@vtbcapital.com) or to the postal address of the Company: 123112 Moscow, Presnenskaya Naberezhnaya, 12 (address changes will be reflected on the website of JCS VTB Capital on the internet: [www.vtbcapital.com](http://www.vtbcapital.com)).