

Questionnaire II – ESF Member Banks
**SANCTIONS QUESTIONNAIRE
FOR MEMBERS OF EINLAGENSICHERUNGSFONDS**

- Background:**
- We would be grateful for your co-operation and your details for the following questionnaire to guard against the participation of your Company as well as of the Deposit Protection Fund (*Einlagensicherungsfonds*) of Bundesverband deutscher Banken e.V. ("**BdB**") and Prüfungsverband deutscher Banken e.V. ("**PV**") in measures under section 2 para. 2 of the Statute of the Deposit Protection Fund (*Statut des Einlagensicherungsfonds*) that might violate foreign financial or economic sanctions applicable in the individual case.
 - Such foreign financial or economic sanctions may, under certain circumstances, be applicable to your Company in particular based on the jurisdiction your Company is incorporated in, or your Company's ownership and control structure. In particular, foreign financial or economic sanctions regimes may apply to your Company if its German operation, which is a member of the Deposit Protection Fund, is a dependent branch of an entity established or incorporated outside of Germany, or if your Company is owned or controlled by a US Person. In order to protect you and the BdB from damage, your involvement in decisions relating to measures and in the implementation of such measures should be avoided in such a case.
 - Violations of financial or economic sanctions can result in severe consequences and criminal penalties both for companies and, personally, for their directors or employees involved. For instance, under US law, violations of US sanctions may, *inter alia*, result in monetary penalties of up to the greater of approximately USD 370,000 or twice the value of the transaction, per violation (for most US sanctions programs). Non-US persons can be held liable for causing US Persons to violate US sanctions, meaning that if a non-US person involves US Person employees, US offices or US counterparties in transactions that could only comply with US sanctions if they exclude US Persons, the US Treasury Department's Office of Foreign Assets Control ("**OFAC**") and/or US prosecutors (depending on the severity of the offense) can take enforcement action directly against the non-US person as well as any of its employees that knowingly violated the sanctions. Under US law, willful violations also can subject the culpable individuals to criminal prosecution, with criminal fines of up to USD 1 million and imprisonment for up to 20 years.

- Upon completion and execution of the following questionnaire by legal representatives of your Company (board members or directors), please send **two copies of the questionnaire** to the following address by mail:

Bundesverband deutscher Banken e.V.
Einlagensicherungsfonds
Attn.: Dominik Müller-Feyen
Burgstraße 28
10178 Berlin

- BdB reserves the right to request further documentation or information should this be or become necessary.
- Information on the handling of any potential personal data of your shareholders collected in this questionnaire can be found in the **Annex**. We kindly ask you to share this data protection information with such potentially concerned shareholders, whose personal data you disclose in this questionnaire.

A. INFORMATION ON THE COMPANY

Company name	
Address of registered office or main office (street, postal code, city, country)	
Legal form	
Registration number (commercial register or similar, if applicable)	
Address of German operation (if different) (street, postal code, city, country)	

- 1.** Is the Company a branch¹ (without separate legal personality) of an entity established or incorporated outside Germany?

Yes ☐ No ☐

If yes, please mark as applicable:

German branch of entity with registered office in the United States ☐

German branch of entity with registered office in the United Kingdom ☐

German branch of entity with registered office in Australia ☐

German branch of other foreign entity – if applicable, please specify:

¹ "Branch" includes establishments (*Zweigstellen*), branches (*Zweigniederlassungen*), and representative offices (*Repräsentanzen*).

2. Is the Company directly or indirectly owned or controlled by a US Person²?
I.e., does a US Person

- hold a 50 % or greater equity interest by vote or value in the Company³;
- hold a majority of seats on the board of directors of the Company; or
- otherwise control the actions, policies, or personnel decisions of the Company⁴?

Yes ☐
No ☐

If yes, please provide details on the relevant US Person/US Persons and ownership/control below and also indicate the month and year in which the Company became US owned or controlled.

² "US Person" for these purpose means US domiciled entities and their foreign branches, US citizens and permanent US residents / US green card holders, and anyone physically located in the United States.

³ When determining the equity interest by vote or value held by a US Person, according to guidance issued by OFAC, interests held by several US Persons are generally aggregated. However, in the specific case of companies organized outside the United States that are publicly traded or where the ownership interests are otherwise widely dispersed, OFAC would not regard such a company as owned or controlled by US Persons if US Persons in the aggregate passively hold 50% or more of the shares of such company but no one US Person holds a controlling share of the company. However, such company could still be considered US-owned or controlled if one of the other criteria for ownership or control are met (e.g., a majority of seats on the board of directors are held by US Persons).

⁴ OFAC has substantial discretion in determining that a US Person "otherwise controls" an entity and has not published guidance specifying the situations in which it would make such a determination. OFAC has not asserted that a non-US company that has a US Person CEO is, for that reason alone, necessarily controlled by US Persons, but would require the exclusion of the CEO from any involvement in decision-making for or other facilitation of business restricted under US sanctions. In addition, for instance, if not only the CEO but also the Chairman is a US Person and they also together own 40% of the shares in the company, there is a high risk that OFAC presumes that they control the company, particularly if the other 60% of the shares are owned by a large group of small % shareholders.

- 3.** Are there any US Persons⁵ which, directly or indirectly, hold a 10 % or greater equity interest by vote or value in the Company?

Yes ☐
 No ☐

If yes, please list the relevant US Persons below:

Name of US Person	Shares held in Company (%)	Voting rights held in Company (%)

⁵ Again, "US person" for these purpose means US domiciled entities and their foreign branches, US citizens and permanent US residents / US green card holders, and anyone physically located in the United States.

B. DECLARATION

We confirm that the information above is correct and complete. If, after the date of signature of this document, there are any changes to the information above, we will notify BdB without delay in writing.

Place, date

Name of company

Name of signatory in block letters

Name of signatory in block letters

Position of signatory

Position of signatory

Signature / company stamp

Signature / company stamp

ANNEX

DATA PROTECTION INFORMATION

We, *i.e.* the Bundesverband deutscher Banken e.V. ("**BdB**" or "**we**"), hereby inform you how we process your personal data in connection with the sanctions questionnaire for members of the Deposit Protection Fund (*Einlagensicherungsfonds*) ("**Questionnaire**") and which claims and rights you are entitled to under data protection regulations. Personal data within the meaning of this data protection information is all information that relates to an identified or identifiable natural person, *e.g.* name, address, contact details.

1. CONTROLLER AND CONTACT INFORMATION; DATA PROTECTION OFFICER

Controller within the meaning of data protection law is:

Bundesverband deutscher Banken e.V., Dr. Mathias Brehe

Address: Burgstraße 28
 10178 Berlin
 Deutschland

Contact information of the data protection officer:

E-Mail: mathias.brehe@bdb.de

2. PURPOSES FOR WHICH YOUR DATA ARE COLLECTED AND PROCESSED AND LEGAL BASES

We process your personal data in accordance with the provisions of the European General Data Protection Regulation ("**GDPR**") and other applicable data protection regulations.

2.1 Legitimate interest (Art. 6(1) f GDPR)

The company in which you are a shareholder ("**ESF member**") is a member of the Deposit Protection Fund of the BdB and is assigned to the Compensation Scheme of German Banks GmbH ("**EdB**"). We process the information collected in the Questionnaire on the basis of an overriding legitimate interest to guard against the participation of the ESF Member as well as of the Deposit Protection Fund of the BdB and the Edb and of Prüfungsverband deutscher Banken e.V. ("**PV**") in transactions that might violate foreign financial or economic sanctions applicable in the individual case. Our legitimate interest is to avoid damage to BdB and PV due to such potentially applicable foreign financial and economic sanctions.

2.2 Other purposes and changes in purpose

If, in addition to the existing purposes, other purposes for data use arise, we check whether these further purposes are compatible with the original collection purposes. If this is not the case, we will inform you of such a change of purpose. If there is no other legal basis for further data use, we will not use your personal data without your consent.

3. CATEGORIES OF PERSONAL DATA

For the purposes described in section 2, we process the following personal data from you: name, nationality, information relating to the shares you hold in the ESF Member, information relating to your control over the ESF Member.

4. SOURCES OF PERSONAL DATA

The personal data described in section 3 will be provided to us by the ESF member.

5. OTHER RECIPIENTS OF YOUR DATA

Other recipients of your data within the scope of the processing operations described above may be PV, IT service providers or other service providers commissioned by us in the context of data processing.

6. PROCESSING OF YOUR DATA IN A THIRD COUNTRY OR BY AN INTERNATIONAL ORGANISATION

Data transfers to recipients in countries outside the European Union (EU) or the European Economic Area (EEA) (so-called third countries) are currently not planned.

7. DURATION OF THE STORAGE OF YOUR DATA

We store your personal data for as long as it is necessary to fulfill the purposes described in section 2.

In addition, we are subject to various statutory retention and documentation obligations. In Germany, such retention obligations may arise in particular from the German Commercial Code or the German Fiscal Code and are typically 6 to 10 years.

8. EXISTENCE OF AUTOMATED DECISION-MAKING (INCLUDING PROFILING)

We do not use purely automated decision-making procedures referred to in Article 22 GDPR.

9. YOUR RIGHTS

In accordance with legal requirements, you may exercise the following rights:

- You have the right to obtain information from us about your data stored by us in accordance with the rules of Art. 15 GDPR.
- Upon your request, we will rectify the data stored about you in accordance with Art. 16 GDPR if these are incorrect.
- If you so wish, we will delete your data in accordance with the Art. 17 GDPR, provided that other legal regulations (e.g. statutory retention obligations) or an overriding interest on our part do not conflict with this.
- Taking into account the requirements of Art. 18 GDPR, you may require us to restrict the processing of your data.
- You also have the right to collect your data under the conditions of Art. 20 GDPR in a structured, common and machine-readable format or to transmit it to a third party.
- You also have the right to lodge a complaint with a data protection supervisory authority (Art. 77 GDPR).
- Furthermore, you may object to the processing of your data in accordance with Art. 21 GDPR (see box below for further information).

Information about your right to object Art. 21 GDPR

You have the right to object at any time to the processing of your data, which is based on Art. 6 para. 1 f GDPR (data processing on the basis of a balancing of interests) or Art. 6 para. 1 e GDPR (data processing in the public interest) if there are reasons for doing so that arise from your particular situation. This also applies to profiling based on this provision within the meaning of Art. 4 No. 4 GDPR.

If you file an objection, we will no longer process your personal data, unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves the establishment, exercise or defense of legal claims.

The objection can be made without any form.

You may address your requests for the exercise of your rights to the contact information listed in section 1 above.
