

APPROVED  
Resolution of the  
meeting of the Board of  
Directors № 15/14  
from 12.12.2014.

**AO MC Bank Rus**  
**Personal Data Protection Policy**

Moscow

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## 1 GENERAL PROVISIONS

- 1.1 This AO MC Bank Rus Personal Data Policy (hereinafter – “the Policy”) is executed in accordance with Constitutions of the Russian Federation, Labor Code of the Russian Federation, Civil Code of the Russian Federation, Federal Law “On Information, Information Technologies and Information Security”, Federal Law “On Personal Data”, Federal Law “On Banks and Banking Business” and other regulatory legal acts effective within the Federation.
- 1.2 This Policy aims to secure rights and freedoms of the personal data subjects during the processing of their personal data and to uphold applicable laws of the Russian Federation on personal data.
- 1.3 This Policy applies to all personal data processed by the Bank, including personal data that may be obtained from the subject or its representative who is a party under the civil law contract with the Bank, or from a legal entity that has established civil law relations with the Bank (hereinafter – “the Customer”), a subject of personal data whose relationship with the Bank is regulated by labor laws (hereinafter – “the Employee”), and a subject of personal data who visits the offices of the Bank.
- 1.4 Personal data security is a top priority for the Bank. Provision or necessary and sufficient information security of the assets, which also include personal data and banking procedures applicable to processing of the said data, is of ultimate importance for the Bank that seeks to accomplish its goals and objectives.
- 1.5 The information that constitutes personal data in the Bank is processed and secured in accordance with the Standard of the bank of Russia – “Information Security of Organizations Comprising the Banking System of the Russian Federation”, Federal Law No. 152-FZ – “On Personal Data” and other legislative acts regulating the legal relationship in the sphere of personal data security within the Russian Federation.
- 1.6 Personal data shall be treated as confidential and closely guarded information that is governed by internal documents of the Bank regulating the protection of confidential information.

## 2 PERSONAL DATA – DEFINITION AND COMPOSITION

- 2.1 Personal data to be protected by the Bank shall be listed in accordance with Federal Law of the Russian Federation No. 152-FZ – “On Personal Data” and the internal documents of the Bank.
- 2.2 Any information related to a natural person (subject of personal data) identified directly or otherwise shall be treated by the Bank as personal data.
- 2.3 Depending on the subject of personal data, the Bank processes personal data of the following categories of the said subjects:
  - natural persons – citizens of the Russian Federation, foreign nationals and stateless persons applying for a job at or are employed by the Bank, elected members of (or candidates to) the collegiate management body, and visitors of the Bank who are cleared for access to secured facilities of the Bank;
  - natural persons – (potential) customers of the Bank, representatives of customer and/or shareholders of the Bank;

- natural persons – contractors of the Bank under specific transactions;
- natural persons – employees and representatives of partners, contractors and other individuals who have contractual relations with the Bank and who interact with the Bank’s employees performing their official functions.
- natural persons – members of (candidates to) the Board of Directors and (potential) shareholders of the Bank.

### **3 PURPOSE OF PERSONAL DATA PROCESSING**

3.1 The Bank processes personal data in order to facilitate financial and business activities, banking operations and other activities envisaged by Bylaws of the Bank, Licenses and applicable laws of the Russian Federation, as well as to conduct transactions and perform obligations they entail, carry out marketing research to establish and further enhance the relationship through direct contacts with the customer, statistical processing of personal data to evaluate the customer’s satisfaction with quality of banking services, maintain labor relationship with employees of the Bank and natural persons who intend to establish any such relationship with the Bank, clear the visitors of the Bank for access to secured facilities, and to promote personal security of the employees.

### **4 TERMS OF PERSONAL DATA PROCESSING**

4.1 Terms of personal data processing shall depend on the effective period of the subject’s consent for processing of its personal data, as well as on applicable laws of the Russian Federation and regulatory documents of the Bank of Russia.

### **5 RIGHTS AND OBLIGATIONS**

5.1 As an operator of personal data, the Bank may assign another party to process personal data, however subject to approval of the subject of personal data involved, unless otherwise specifically provided for by applicable Federal Laws, and on the basis of agreement entered into with the said party (hereinafter – “the Operator’s Assignment”).

5.2 Pursuant to Federal Law No. 152-FZ – “On Personal Data”, the Bank shall:

- 5.2.1 On demand of the subject of personal data, provide information concerning the processing of its personal data or reasonably reject any such demand.
- 5.2.2 Notify the subject of personal data about processing of its personal data if the latter had been obtained from a party other than the said subject, unless otherwise specifically provided for by Federal Law No. 152-FZ dated 27.07.2006 – “On Personal Data”.
- 5.2.3 If the objective is achieved, terminate or cause the processing of personal data terminated (if processing is carried out by another party acting on the instructions of the Bank) and destroy or cause the personal data destroyed (if processing is carried out by another party acting on the instructions of the Bank) within 30 (Thirty) days following the achievement of the objective of personal data processing, unless otherwise specifically provided for by applicable laws of the Russian Federation, agreement under which the subject of personal data is a party, beneficiary or guarantor, any other agreement by and among the Bank and the subject of personal data, or, if the Bank may not process personal data without approval of the subject of the said personal data, on the basis of Federal Law No. 152-FZ dated 27.07.2006 “On Personal Data” or any other Federal Laws.

5.2.4 If the subject of personal data revokes its consent for processing of its personal data, terminate processing or cause the processing of the said data terminated (if processing is carried out by another party acting on the instructions of the Bank) and destroy or cause the personal data destroyed (if processing is carried out by another party acting on the instructions of the Bank) within 30 (Thirty) days following the date of the relevant revocation, unless otherwise specifically provided for by applicable laws of the Russian Federation, agreement under which the subject of personal data is a party, beneficiary or guarantor, any other agreement by and among the Bank and the subject of personal data, or, if the Bank may not process personal data without approval of the subject of the said personal data, on the basis of Federal Law No. 152-FZ dated 27.07.2006 “On Personal Data” or any other Federal Laws.

5.2.5 In the event of any unlawful processing of personal data by the Bank or by any other party acting on the instructions of the Bank, terminate or cause any such personal data processing terminated by the Bank or by any other party acting on the instructions of the Bank within 3 (Three) business days following the detection of any such unlawful processing. If the Bank is unable to validate personal data processing, it shall destroy or cause the personal data destroyed within 10 (Ten) business days following the detection of unlawful processing of the said personal data. The Bank shall notify the subject of personal data or its representative about remedies taken with respect to the committed violations or about the destruction of personal data, and, if the demand was filed by the subject of personal data or its representative or by an authority competent to protect the rights of subjects of personal data, the Bank shall also notify any such authority.

5.3 The subject of personal data may:

5.3.1 Demand that the Bank verifies its personal data, or have the said data blocked or destroyed if they appear to be incomplete, outdated, inaccurate, illegally obtained and/or are not necessary for the declared purpose of processing. The subject of personal data may also take all legal actions to protect its rights.

5.3.2 Obtain information concerning the processing of its personal data, including:

- confirmation that the Bank has processed the said personal data;
- legal basis and purpose of personal data processing;
- objectives and methods of personal data processing applied by the Bank;
- name and location of the Bank, details about persons (excluding however employees of the Bank) who have access to personal data or to whom personal data may be disclosed on the basis of agreement with the Bank or Federal Law of the Russian Federation “On Personal Data”;
- processed personal data pertaining to the relevant subject of personal data and source of the said data, unless any other procedure for provision of any such data is set by the Federal Law of the Russian Federation “On Personal Data”;
- terms of processing, including terms of storage of personal data;
- procedures to be followed by the subject of personal data to exercise its rights envisaged by Federal Law of the Russian Federation “On Personal Data”;
- information about the cross-border data transmission, whether expected or completed;

- name of a business or first name, patronymic and surname of the person who processes (or may be required to process) personal data on the instruction of the Bank; and
- other data envisaged by Federal Law of the Russian Federation “On Personal Data” or other applicable Federal Laws.

5.3.3 The right of the subject of personal data for access to its personal data may be limited in accordance with applicable Federal Laws of the Russian Federation.

## **6 PRINCIPLES AND CONDITIONS OF PERSONAL DATA PROCESSING**

6.1 The Bank processes personal data on the basis of the following principles:

- personal data shall be processed on a lawful and fair basis;
- processing of personal data shall be discontinued when specifically pre-determined lawful objectives have been achieved;
- there shall be no personal data processing that is inconsistent with the purpose of personal data collation;
- there shall be no merging of databases containing personal data that has been processed for mutually exclusive purposes;
- processing shall involve only the personal data that is consistent with the purpose of processing thereof;
- the contents and the scope of processed personal data shall be consistent with the declared objectives;
- the processed personal data shall not be redundant with respect to the declared objectives of any such processing;
- processing of personal data shall contribute to precision of the said data as well as sufficiency and, whenever necessary, actuality with respect to the objectives of personal data processing;
- incomplete or inaccurate data shall be deleted or rechecked;
- personal data shall be stored in the form allowing to identify the subject of personal data within the period no longer than the objectives of any such processing may require, unless any other term is specifically established by applicable Federal Laws or an agreement to which the subject of personal data is a party or a beneficiary or guarantor;
- after the goals of processing have been attained or the said goals are no longer of any importance, the personal data shall be destroyed, depersonalized or filed in archives, unless otherwise specifically provided for by applicable Federal Laws.

6.2 Processing of personal data is allowed when it is:

- approved by the relevant subject of personal data;

- necessary for delivery of justice, execution of a judgment or enforcement of an act of any other authority or executive officer that is binding under applicable laws of the Russian Federation regulating the enforcement proceedings;
- necessary for performance of the agreement by the subject of personal data acting as a party or beneficiary or guarantor, or for entering into an agreement at the initiative of the subject of personal data, or an agreement under which the subject of personal data is acting as a beneficiary or a guarantor;
- necessary for the exercise of rights and legitimate interests of the Bank or the third parties, or for the accomplishment of objectives of public importance, however subject to preservation of rights and freedoms of the subject of personal data;
- required for statistical purposes or any other studies, providing that all data are depersonalized, excluding however processing with prior consent of the subject of personal data for purposes of promotion of banking services marketing through direct contacts with potential consumers using the appropriate means of communication;
- about the data that is open to an unlimited number of individuals with the approval or by request of the subject of personal data (hereinafter – “personal data made public domain by the subject of personal data);
- about personal data that is to be published or disclosed in accordance with applicable Federal Laws.

- 6.3 Whenever necessary, the Bank may include personal data of the subjects in the sources made public domain, providing however the subject consents in writing to processing of its personal data.
- 6.4 The Bank does not process personal data related to criminal records of its customers and visitors.
- 6.5 The Bank may process personal data about criminal records of its employees in cases envisaged by applicable laws of the Russian Federation. Processing of any such data shall be carried out exclusively without computer equipment.
- 6.6 The Bank shall not make decisions that may cause legal consequences with respect to the subject of personal data or otherwise affect its rights and lawful interests exclusively based on automated processing of personal data.
- 6.7 The subject of personal data or its lawful representative may authorize processing of its personal data in any manner that allows to confirm the fact of reception thereof, unless otherwise specifically provided for in applicable laws of the Russian Federation.
- 6.8 The Bank may record phone conversations with the natural person who makes a call by the phone number(-s) available on the Bank’s official Website for consultations about banking products or to acquire services envisaged by the Bank’s regulations. The Bank shall notify the caller about any such recording prior to commencement of conversation over the phone.
- 6.9 The Bank may assign a third party for the processing of personal data, providing however that the subject of the said data approves any such third party, unless otherwise specifically provided for in applicable Federal Laws, and subject to execution of an agreement with the said third party. By signing the said agreement, the Bank obliges the third party that processes personal data on the instruction of the Bank to comply with rules and principles of personal data processing envisaged by this Policy and by Federal Law of the Russian Federation “On Personal Data”.

- 6.10 Personal data may be disclosed to the third parties only subject to consent of the subject of personal data.
- 6.11 If the Bank assigns a third party to process personal data, the Bank shall be liable to the subject of personal data for the actions of the assigned third party. The party that processes the personal data on the instruction of the Bank shall be liable to the Bank for its actions.
- 6.12 The Bank undertakes and makes other parties that have access to personal data undertake to keep confidential and prevent any disclosure of personal data without prior consent of the subject of personal data, unless otherwise specifically provided for by applicable Federal Laws.
- 6.13 The Bank may act as an agent who processes personal data on the instruction of the Operator (legal entity) on the basis of the agreement entered into with the said Operator. In the event of processing of personal data on the instructions of the Operator, the Bank shall follow the Operator's orders and comply with personal data processing principles and rules envisaged by Federal Law "On Personal Data", and no consent of the subject of personal data is required for processing of its personal data.

## **7 SECURITY PROVISIONS FOR PERSONAL DATA PROCESSING**

- 7.1 The Bank shall take all necessary legal, organizational and technical measures to protect the processed personal data from inadvertent or unauthorized access, deletion, modification, blocking, duplication, provision, distribution and other unlawful activities involving the said data. Personal data can be secured by:
- 7.1.1 appointment of executives responsible for organization of personal data processing;
  - 7.1.2 identification of threats to personal data in the course of processing within personal data systems;
  - 7.1.3 application of data security facilities certified for compliance in accordance with established procedures;
  - 7.1.4 proper accounting of personal data carriers;
  - 7.1.5 detection of unauthorized access to personal data and taking measures to prevent any such access in the future;
  - 7.1.6 establishing the rules of access to personal data processed by the relevant data system, and by registration and logging of all actions involving personal data conducted in the relevant data system;
  - 7.1.7 monitoring of measures taken to protect personal data and maintaining the security of personal data systems;
  - 7.1.8 internal control and/or audit of compliance of personal data processing with Federal Law No. 152-FZ dated 27.07.2006 – "On Personal Data" and regulatory legal acts adopted in accordance with the aforementioned Federal Law, personal data protection regulations, personal data protection policy and local acts of the Operator; and
  - 7.1.9 advising the Operator's employees directly engaged in personal data processing on provisions of applicable personal data laws of the Russian Federation, including requirements to personal data protection, documents regulating the Operator's personal data processing policy, local acts regulating the personal data processing and/or provision of appropriate training to the said employees.



## **8 DUTIES OF THE BANK'S EMPLOYEES CLEARED FOR PERSONAL DATA PROCESSING**

8.1 Employees of the Bank cleared for personal data processing shall:

- know and strictly follow this Policy;
- process personal data only in pursuance of its official duties;
- prevent actions of the third parties which may result in disclosure (deletion, distortion) of personal data;
- keep confidential all personal data obtained in the course of performance of its official duties or otherwise acquired in the course of its professional activities;
- detect any disclosure (deletion, distortion) of personal data and notify the Information Security Department of the Bank accordingly.

8.2 Duties of employees cleared for personal data processing are regulated by the internal regulatory documents that set the rules of handling of personal data in the Bank.

## **9 FINAL PROVISIONS**

9.1 This Policy is an internal document of the Bank, open to public and to be available on the official Website of the Bank.

9.2 This Policy shall be revised every 3 (Three) years and/or in response to any new legislative acts and special statutory regulations pertaining to personal data processing and protection.

9.3 The executive officer responsible for organization of personal data processing shall supervise the compliance with this Policy.

9.4 Each employee hired by the Bank shall study this Policy against signature.

9.5 The Bank may issue internal regulatory documents, outlining requirements to personal data processing and applicable protection procedures.

9.6 Executives of the Bank who have access to personal data shall be liable for defaulting on personal data processing and protection regulations in accordance with applicable laws of the Russian Federation and internal documents of the Bank.