Eurex Clearing Circular 048/18

Privacy notice to customers and suppliers

Summary

The new EU General Data Protection Regulation (GDPR) will come into effect on **25 May 2018**. This regulation intends to harmonise and strengthen data protection for all the citizens within the European Union.

With this circular, Eurex Clearing would like to inform you about how we are processing your personal data. It refers to any information related to you, your employees or any other individual concerned. The privacy notice contains in particular details about the purpose of data processing, the legal framework and the rights of individuals (including the right to object).

The full version of our privacy notice is available on the Eurex Clearing website under the following link:

http://www.eurexclearing.com/clearing-en/privacy-policy

Attachments:

none

Date: 24 May 2018

Recipients: All Clearing Members, Non-Clearing Members and Registered Customers of Eurex Clearing AG and Vendors

Authorized by:
Heike Eckert

Target group:

- All departments

Contact:
Data Protection Officer,
dataprotection@eurexchange.com,
Phone: +49 69 2 11-0

Eurex Clearing AG
Mergenthalerallee 61
65760 Eschborn

Mailing address:
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Internet:
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Chairman of the Supervisory Board:
Hugo Bänziger

Executive Board:
Erik Tim Müller (CEO),
Heike Eckert (Deputy CEO),
Matthias Graulich,
Thomas Laux,
Manfred Matusza

Aktiengesellschaft mit Sitz in Frankfurt/Main
HRB Nr. 44828
USt-IdNr. DE194821553
Amtsgericht Frankfurt/Main

Privacy notice to customers and suppliers

The new EU General Data Protection Regulation (GDPR) will enter into force on 25 May 2018. This regulation intends to harmonise and strengthen data protection for all the citizens within the European Union.

With this circular, Eurex Clearing (hereafter "**We**" or "**Us**") informs you about how we are processing your personal data (hereafter the "**Personal Data**"). It refers to any information related to you, your employees or any other individual concerned. The privacy notice (hereafter the "**Notice**") contains in particular details about the purpose of data processing, the legal framework and the rights of individuals (including the right to object).

The full version of our privacy notice is available on the Eurex Clearing website under the following link:

http://www.eurexclearing.com/clearing-en/privacy-policy

1 Identity and contact details of Us and of Our Data Protection Officer

We are **Eurex Clearing AG**, Mergenthalerallee 61, 65760 Eschborn, Tel: +49 69-2 11-0, e-mail: info@eurexclearing.com.

The contact details of Our Data Protection Officer are:

Data Protection Officer, Eurex Clearing AG, Mergenthalerallee 61, 65760 Eschborn, Germany, e-mail: dataprotection@eurexchange.com, Tel: +49 69-2 11-0.

2 Purpose, categories of Personal Data, legal basis and retention

2.1 Categories of your Personal Data and purposes of Our processing

We process the following categories of Personal Data of your employees or any other individual concerned for the following purposes:

2.1.1 Business contact details (e.g. name, position, business e-mail address, business telephone number, department) and business function for the purposes of customer/supplier relationship management, enterprise resource planning, order processing and acknowledgement, business accounting and tolls and import management; and

2.1.2 for the same purposes as We process business contact details and any other personal information about your employees or any other individual concerned contained in e-mails sent by you or others to Us.

2.2 Legal basis for Our processing of Personal Data that you provide to Us

We process Personal Data in accordance with the provisions of the General Data Protection Regulation EU 2016/679 (GDPR),

2.2.1 on the basis of statutory regulations (Art. 6 (1) (c) GDPR): We are subject to various legal obligations, i.e. statutory requirements and regulations such as the Exchange Rules (Börsenordnung) and the German Stock Exchange Act (Börsengesetz);

2.2.2 within the scope of the balancing of interests (Art. 6 (1) (f) GDPR): Our legitimate interests of processing all personal data that you provide to Us is the performance of Our duties of the common business relationships. Your potential interests in not processing your personal data have been taken into consideration and the amount of data minimised to the necessary.

2.3 Do you have to provide your Personal Data to Us?

The provision of your Personal Data is necessary to access the protected areas of this website, which is limited to members of Our customer groups, to make direct contact with Us, or to receive a newsletter. This means that you are obliged to provide your Personal Data to Us as part of a user registration process when making use of these options. Such Personal Data remain under your control at all times via the “My Profile” facility. Your user account can be viewed or modified at any time by you, the account owner.

2.4 Automated decisions

We do not make any automated decisions solely on automatic processing, including profiling, which would produce legal effects concerning you or similarly significantly affect you.

2.5 Sources from which We have obtained the Personal Data

We may have obtained the Personal Data set out in Section 2.1 above e.g. from the following not publicly accessible sources: contract and communication during contract performance.

2.6 Retention periods

The retention periods for Personal Data depend on the purpose of the processing. We will retain Personal Data set out under Section 2.1 above for as long as (i) necessary for the respective purpose, and/or (ii) required by applicable statutory retention laws. In your case, We will retain personal data that you provide to Us for as long as Our business relationship with your firm lasts, plus any applicable retention periods required pursuant to statutory provisions (e.g. based on tax law provisions) or required to pursue Our legitimate interests after the termination of the business relationship (e.g. in order to make claims within the statutory limitation periods).

3 Transfer of Personal Data to third parties

3.1 Transfer of your Personal Data to third parties

Any transfer of Personal Data that you provide to Us to EU service providers (e.g. for purposes of IT hosting, operation and support), is based on prior signed data processing agreements according to GDPR requirements.

3.2 Transfer of Personal Data that you provide to Us to third parties located in countries outside the European Union

If We transfer Personal Data that you provide to Us to third parties that are located outside the European Union (e.g. in the US), We use so-called EU Model Clauses (see EU Model Clauses under http://ec.europa.eu/justice/data-protection/international-transfers/transfer/index_en.htm) if there is no adequacy decision by the European Commission for such country.

3.3 Transfer of your Personal Data to public authorities

We may transfer your Personal Data to public authorities where this is required by the applicable law e.g. the German Stock Exchange Act (Börsengesetz) or the German Securities Trading Act (Wertpapierhandelsgesetz). A transfer of your Personal Data is also permitted if there is a suspicion of a criminal offence or the abuse of the services offered on Our website. In this event, We shall be entitled to transfer your Personal Data to the criminal prosecution authority.

4 Rights of the individual (incl. Right to Object)

Under applicable data protection laws, each individual has the right

- of access to, rectification of, and/or erasure of his/her Personal Data;
- to restriction of processing of his/her Personal Data;
- to tell Us that he/she does not wish to receive marketing information; and
- (in some circumstances) to require certain of this Personal Data to be transferred to him/her or to a third party, which he/she can exercise by contacting Us at the details set out at the beginning of this Notice.

Furthermore, the individual has the right to object to Us processing his/her Personal Data at any time to the extent We process the Personal Data for the purposes of Our legitimate interests. As to such purposes, you will find more information under Sections 2.1 and 2.2 above.

To the extent Our processing of the Personal Data is based on individual's consent, he/she also has the right to withdraw the consent, without affecting the lawfulness of Our processing based on his/her consent before its withdrawal. To exercise rights of the individual, each individual can contact Us as set out in Section 1 above.

He/she can also lodge a complaint about Our processing of his/her Personal Data with a data protection authority, in particular, in the EU Member State of his/her habitual residence, place of work or of an alleged infringement of applicable data protection laws.

Our competent Data Protection Authority is: **Der Hessische Datenschutzbeauftragte**, Postfach 3163, 65021 Wiesbaden, Germany, e-mail: Poststelle@datenschutz.hessen.de, Tel: +49 611 1408-0, fax: +49 611 1408 - 611.

If you have any questions or need further information please contact Our Data Protection Officer via phone +49 69-2 11-0 or e-mail at dataprotection@eurexchange.com.

24 May 2018