

## DATA PROTECTION NOTICE FOR CANDIDATES

### Summary

Data protection is of the utmost importance to Andbank Luxembourg (the “**Bank**”).

As required by the General Data Protection Regulation (EU) 2016/679 of the European Parliament of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the “**GDPR**”) and the Law of 1st August 2018 on the protection of individuals with regard to the processing of personal data in criminal and national security matters, this data protection notice for candidates (this “**Candidate Notice**”) shall provide you with a transparent overview of the Bank’s data protection policies and with information on how your personal data will be processed throughout the recruitment process.

The “**data controller**” is defined as the natural or legal person, which, alone or jointly, determines the purposes and means of the processing of personal data. Andbank Luxembourg is data controller for the purpose of the contractual relationship.

The Bank will process the personal data in compliance with the GDPR principles as laid down in chapter two of the regulation, namely:

- lawfulness, fairness and transparency;
- purpose limitation;
- data minimization;
- accuracy;
- storage limitation;
- integrity and confidentiality.

Your rights as a data subject in connection with personal data are:

- rights of access;
- right to correction;
- right to erasure;
- right to request the restriction of processing;
- right to transfer (data portability);
- right to object;
- right not to be subject to a decision based solely on automated processing, including profiling;
- right to withdraw consent for any processing specifically based on consent.

For any questions in relation to the processing of your personal data or the exercise of its rights, you may contact the Data Protection Officer (“**DPO**”) via postal address at the Bank’s registered office, by phone + 352 27 49 76 1 or by email at [dpo@andbank.lu](mailto:dpo@andbank.lu).

You also have the right to make a complaint at any time to the National Commission for Data Protection (*Commission Nationale de Protection des Données* “**CNPD**”) <https://cnpd.public.lu/en/support/contact.html>.

## 1. Scope

This Candidate Notice applies to all candidates (natural persons) who have submitted an application for a job position at the Bank irrespective of the type of contract (i.e full term employment, part-time, or internship) (the “**Data Subject**”).

## 2. Regulations and Definitions

The applicable regulations are the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the “**GDPR**”) and the Luxembourg laws, notably the Law of 1<sup>st</sup> August 2018 on the organization of the National Data Protection Commission and the General Data Protection Framework.

### 2.1. Personal data and data processing

“**Personal data**” is defined as any information relating to an identified or identifiable natural person.

“**Data processing**” means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

### 2.2 Data controller

Andbank Luxembourg (we), collect and process your personal data and act accordingly as data controller. As part of our responsibilities as data controller, we maintain a record of all processing activities in a data protection inventory (“**DPI**”) in accordance with article 30 GDPR.

### 2.3 Data processors

“**Data processor**” means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller, i.e. persons or entities to whom the Bank sends the data.

### 2.4 GDPR principles

We process your personal data in compliance with the GDPR general principles as laid down in chapter 2 of the regulation, namely:

- lawfulness, fairness and transparency;
- purpose limitation;
- data minimization;
- accuracy;
- storage limitation;
- integrity and confidentiality

## 3. Personal data that we collect

To process your application, we process notably the following categories of personal data:

- identification data provided to us (your name, nationality, place of birth, residency status and right to work, passport or identification card number, gender, title, address, contact details, education, diplomas, photos, and employment history)

- behavioral data provided to us in your resume, certificate(s) of achievement, or reference letter(s)
- financial information regarding your remuneration and salary expectations
- sensitive data about your health, notably special needs or disability, to consider whether we need to provide appropriate adjustments during the recruitment process.

### 3.1 Sources from which we collect your personal data

To process your application, we collect your personal data from the following sources:

- data provided to us in your resume (CV) and cover letter, or any other supporting documents;
- data provided to us regarding your remuneration and salary expectations;
- any data provided to us from third parties who provide services to us, including but not limited to head hunters, staffing or recruiting firms, and internal or external referees you provide us with;
- data accessible from publicly accessible sources, such as LinkedIn and jobs.lu.

### 3.2 Lawfulness and purpose(s) for processing

Any personal data that the Bank collects shall only be processed on one or more of the following lawful grounds (in accordance with article 6 GDPR):

- on the basis of legitimate interest, for the purpose of assessing your skills, qualifications, and determine your suitability for the role.
- on the basis of legitimate interest, for the purpose of carrying out reference checks and any background checks. Where considered necessary to conduct a background, reference check, we will contact your former employer(s) and education establishment(s) (i.e schools or universities), for the sole purpose of verifying the information provided in your application, i.e to confirm the dates of employment or enrolment regarding your position or degree is correct.
- on the basis of your consent, for the purpose of receiving additional referrals or information. Where considered necessary to receive additional referrals or information not already provided to us in your application in order to properly assess your suitability for the role, we will contact your former or current employer(s) and education establishment(s) (i.e schools or universities) only with your prior consent.
- on the basis of a legal obligation under the applicable labour laws to ensure fair treatment and anti-discrimination.
- where necessary for the performance of a contract (if onboarded as an employee).
- where necessary for the compliance with a regulatory obligation to which the Bank is subject i.e AML regulations (if onboarded as an employee, as part of the pre-employment screening process).

### 3.3 Personal data processed based on consent

We will not contact your current or former employer(s) or education establishment(s) for the purpose of receiving additional referrals or verifying information not already provided to us in your application without first obtaining your prior consent.

You will be given the opportunity to object to providing your consent, in which case, we may not be able to take your application any further.

#### 4. Security measures

In order to protect your personal data the Bank implements:

- (i) technical and organizational measures, notably:
  - A. pseudonymization (to the extent it is necessary and technically feasible) and data encryption;
  - B. internal procedures and mechanisms such as the limitation of access on a “need to know” basis in order to ensure the ongoing confidentiality and integrity of the data;
  - C. the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;
  - D. regular testing and review of the effectiveness of technical and organizational measures for ensuring the security of the processing,
- (ii) regular training on data protection laws of all staff,
- (iii) robust contractual stipulations and follow up with the service providers to ensure that the data processors demonstrate and implement a similar level of data protection,
- (iv) policies and procedures to deal with any suspected data security breach, notifying the Data Subject and the CNPD (as defined below) of any suspected breach where legally required.

#### 5. International transfers of personal data

When the data processing implies data transfers to countries outside of the European Economic Area (EEA) we take the necessary measures to protect your personal data.

To this end, we rely on:

- (i) International data transfer assessment: such assessment is performed before carrying out any international data processing activity;
- (ii) We adopt the following appropriate safeguards:
  - a. We will only transfer your personal data to countries that are deemed to provide an adequate level of protection for personal data by the European Commission. For further information, the most up to date list of countries benefitting from an adequacy decision is available on the EU Commission’s website: [https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions\\_en](https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en)
  - b. Where the recipient country is not subject to an adequacy decision, we will use standard contractual data protection clauses approved by the EU Commission or one of the special derogations indicated in article 49 GDPR.
- (iii) We adopt technical and organizational measures (in accordance with article 32 GDPR), and as mentioned in point 4.

#### 6. Data Retention

As the Bank commits itself to the purpose limitation and storage limitation principle, we retain your personal data for no longer than necessary. For candidates who have submitted an application, we retain your personal data for no longer than a period of two years after your last exchange related to your latest application.

## 7. Data Subject's rights

Your rights in connection with your personal data are:

- Rights of access: you have the right to obtain from us confirmation as to whether or not personal data concerning you is being processed (art. 15 GDPR);
- Right to correction: you have the right to obtain from us, without undue delay, the rectification of inaccurate personal data (art. 16 GDPR);
- erasure ('right to be forgotten'): you have the right to request the erasure of personal data concerning you without undue delay when it is possible and not in contradiction with other legal obligations (art. 17 GDPR);
- Restriction: you may request the restriction of processing notably when the processing is unlawful or if you have doubts on the accuracy of the information processed (art. 18 GDPR);
- Transfer (data portability): under certain circumstances you may ask to receive the personal data concerning you, in a structured, commonly used and machine-readable format and you also have the right to transmit those data to another controller (art. 20 GDPR);
- Right to object: you have the right to object, on grounds relating to your particular situation, at any time to processing of personal data (art. 21 GDPR); and
- Right to withdraw consent: you have the right to withdraw your consent at any time (art. 7 GDPR). Withdrawal of consent may however result in the impossibility for the Bank to pursue the contractual relationship thereof.

Your above-mentioned rights can be exercised by contacting the DPO as detailed below.

## 8. Contacts related to your data protection rights

For any questions in relation to the processing of your personal data or the exercise of your rights you may contact the Data Protection Officer ("DPO") at + 352 27 49 76 1 or by email at [dpo@andbank.lu](mailto:dpo@andbank.lu).

You also have the right to make a complaint at any time to the National Commission for Data Protection (*Commission Nationale de Protection des Données* ("CNPD")) <https://cnpd.public.lu/en/support/contact.html>.

## 9. Changes to Notice

This Candidate Notice is accurate as of the date set out in the footer. Our processing activities may evolve; we are committed to keeping this Candidate Notice up to date.

Any updates to this Candidate Notice will be published on the Bank's website which can be accessed at any time.