As at September 2024

Data protection information

in the context of data processing by Bayerische Landesbank (BayernLB) for cross-border payments and express payments via Swift

How we deal with your data and your rights
Information pursuant to article 13, 14 and 21 of the General Data Protection Regulation (GDPR)

As a follow-up to the information provided to BayernLB customers and other data subjects on data protection and the terms and conditions for transferring money, please find below the answers to some common questions regarding the processing of personal data for cross-border payments and domestic express payments effected by us and the Society for Worldwide Interbank Financial Telecommunication SC ("Swift") and your rights under data protection law.

1. Who is responsible for data processing and who can I contact?

With the Swift transaction processing service, users (payment service providers like BayernLB and other banks) can transfer, send, receive, reference and manage the personal data that is necessary to execute a payment order. BayernLB has signed a contract with Swift regulating joint control within the meaning of Art. 26 (1) of the GDPR and each party's responsibilities under the GDPR.

Pursuant to this contract, the joint controllers are

Bayerische Landesbank
Institution established under public law
Brienner Strasse 18
80333 Munich, Germany
Tel: +49 (0)89 2171-01
Fax: +49 (0)89 2171-23578
mailto: kontakt@bayernlb.com

and

The Society for Worldwide Interbank Financial Telecommunication Société Coopérative
Avenue Adèle 1
B-1310 La Hulpe
Belgium
Tel: +32 2 655 31 11
www.swift.com

The data protection officer at BayernLB and the data protection officer at Swift can be contacted as follows:

Bayerische Landesbank
Institution established under public law
Data protection officer
Brienner Strasse 18
80333 Munich, Germany
mailto: datenschutz.bayernlb@bayernlb.de

BayernLB
Financing progress.

S.W.I.F.T. SC
Att.: Data Protection Officer
Avenue Adèle 1
B-1310 La Hulpe
Belgium
E-Mail: privacy.officer@swift.com

[1] See the Swift Personal Data Protection Policy: https://www2.swift.com/go/book/book85008

2. What sources and data do we use?

We process the personal data provided by our customers for cross-border payments and express domestic payments, as well as additional data derived from this information. The personal data in question includes certain personal information such as the customer's name and address, data relating to the order (e.g. the account number of the payer and the payee, in the case of payment orders), the intended purpose, and the transaction ID (e.g. the reference number).

3. Why do you process my data (purpose of processing), and on what legal grounds?

We process your data in order to fulfil the following legitimate interests (Art. 6 (1) f of the GDPR):

- payment order processing required for the Swift transaction processing
- payment order screening, e.g. for the existence of the payee's account
- checking, tracking and managing payment orders
- preventing and tracing criminal activity
- managing risk at BayernLB and the payment service providers linked to Swift

4. Who gets my data?

As joint controllers, both BayernLB and Swift obtain your data insofar as necessary for providing the Swift transaction processing service or for complying with legal requirements. Commissioned service providers and agents may also receive this data in pursuit of these same purposes. These are companies that fall under the category of specialist and IT services, as well as telecommunication companies.

Swift receives pseudonymised data that is based on payment orders and exchanged via the Swift network. It assumes sole responsibility in processing this data for its "Statistical Analysis and Product Development" service. This service is used for spotting anomalies that help identify payment fraud and for making payments in the Swift network more efficient. It also serves to protect the payer and payee alike. Swift stores this data for 13 months within the European Union and Switzerland. Please address any related questions or queries directly to Swift.

5. How long will my data be stored?

We will process and store your personal data for as long as needed in order to carry out the Swift transaction processing service or to comply with legal requirements.

6. Is data transmitted to a third country or an international organisation?

Data is transmitted to certain recipients in countries outside the European Economic Area (so-called "third countries") when necessary for executing your payment orders or if required by law. Such transmission also takes place for the following purposes, whereby the applicable data protection laws are complied with and additional technical and organisational measures are taken to further protect the personal data:

- In the interest of payment data retrievability, availability and security, Swift stores this data in its data centres located in the European Union, Switzerland and, where a third country is directly involved in the transaction, the US.
- If necessary for sustaining IT operation, your personal data will be transmitted to an IT service provider in the US or another third country, with the European data protection standards being adhered to.

7. What are my rights when it comes to data protection?

Every data subject has the right of access pursuant to Art. 15 GDPR, the right to rectification pursuant to Art. 16 GDPR, the right to erasure ("right to be forgotten") pursuant to Art. 17 GDPR, the right to restriction of processing pursuant to Art. 18 GDPR and the right to data portability pursuant to Art. 20 GDPR. The right of access and right of erasure are subject to the restrictions set out in sections 34 and 35 of the BDSG (German Federal Data Protection Act). As the data subject, you also have the right to lodge a complaint with a data protection supervisory authority of your choice (Art. 77 GDPR in conjunction with section 19 BDSG).

8. Am I obligated to provide data?

Your data is required for the secure use of the Swift transaction processing service when executing your payment orders.

9. To what extent is automated decision-making employed (including profiling)?

The Swift transaction processing service does not employ fully automated decision-making, including profiling, pursuant to Art. 22 GDPR.

Your right to object pursuant to Art. 21 GDPR

You have the right to object at any time, for reasons arising from your specific situation, to any processing of data relating to your person carried out on the grounds outlined in Art. 6 (1) f GDPR (data processing upon consideration of legitimate interests); this also applies to profiling, as defined in Art. 4 No. 4 GDPR, supported by this provision. If you object, we will no longer process your personal data unless we can provide compelling legitimate reasons for the processing which override your interests, rights and freedoms, or the processing serves the assertion, exercise or defence of legal claims.

Your objection may be simple and informal, but should be communicated to the following address:

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If you wish not to have your pseudonymised account statistics data processed by Swift for the "Statistical Analysis and Product Development" service, please send an email to: opt.out@swift.com, stating your objection, along with your account number(s); the name(s) of the account owner(s); the name(s) (and BIC(s) – business identifier code(s) – if available) of the bank(s) where you keep these account(s); and your email address.

Your contact

Bayerische Landesbank
Brienner Strasse 18
80333 Munich
bayernlb.com