Aareal

# Information on the Complaint Handling Process

## 1. Definition and method of submitting a complaint

Pursuant to the current provisions of the Bank of Italy on "*Transparency of Banking and Financial Transactions and Services – Fairness of Relationships between Intermediaries and Clients*" and "*Provisions on Out-of-Court Dispute Resolution Systems in Banking and Financial Transactions and Services*," a complaint is defined as any act by which a clearly identifiable client objects in writing to the intermediary about his conduct or omission (hereinafter "**Complaint**").

A customer is a person who has or has had a contractual relationship or has entered into a relationship with an intermediary for the provision of banking and financial services, including payment services. The definition of a customer does not include persons who carry out professional activities in the banking, finance, insurance, social security and payment services sectors, unless they are acting for purposes unrelated to their professional activity (hereinafter referred to as the "**Customer**").

A verbal expression of dissatisfaction, or a simple report, suggestion, critical remark, complaint, request for information/documentation or technical support, in any form expressed by the customer, shall not be considered a complaint.

The Customer who complains of a disservice can contact the Rome Branch free of charge or by contacting the customer service at the addresses specified below.

If at the Rome Branch it is not possible, for any reason, to overcome the divergences that have arisen, the Customer may address a complaint in writing to the Complaints Office of the Bank, using one of the following methods:

- regular or registered mail with return receipt addressed to: Aareal Bank AG – Rome office – Complaints Office, via Saverio Mercadante n. 12/14 – 00198 Rome;
- by e-mail to: info.Rome@Aareal-Bank.com;
- certified email to: aarealbankfilialeitalia@legalmail.it
- delivery by hand at the headquarters of the Rome Branch, subject to the issuance of a special receipt.

The Complaint must contain the following information:

a. identification data of the Customer:
   - for natural persons: name and surname, date and place of birth, domicile;
   - for legal persons: company name, registered office, VAT/C.F.;
b. telephone number and/or postal address, electronic or certified, to which the Customer wishes to be contacted;
c. the identification number of the loan;
d. a clear description of the reasons why the Customer is dissatisfied;
e. quantification of the alleged economic damage;
f. documentation in support of the disputed facts;
g. signature of the Client (or, depending on the case, signature of the legal representative).

Failure to provide the above information may result in the need for the Rome Branch to request additional information to identify the Customer and/or the subject of the Complaint. Clomplaints submitted in another written form are valid, provided they contain the details of the Customer, the

reasons for the Complaint, the subscription or similar element that allows the identification of the Customer.

Complaints may be sent to any structure or organisational unit of the Rome Branch or to the Complaints Office. In the event that the Customer sends the Complaint to the Head Office, the latter transmits it to the Complaints Office for its management.

## 2. Handling of the complaint and response to the complaint

The Rome Branch undertakes to provide a response to the Customer both in case of acceptance and rejection of the Complaint. In particular, the Complaints Office, at the end of the investigation procedure, provides the Customer with a written, clear and exhaustive response indicating, depending on the case, the corrective action it intends to take or the reasons for the refusal within:

- 60 days from receipt of the Complaint relating to banking and financial services;
- 15 working days from receipt of the Payment Services Complaint. If, in particular situations, not attributable to the Branch, it cannot reply within 15 working days, it shall send the Client an interlocutory reply, clearly stating the reasons for the delay and specifying the deadline within which the Client will receive a definitive reply, in any case not exceeding 35 working days.

In particular, replies to complaints received shall contain the following information:

- if the Complaint is deemed justified, the measures that the Rome Branch undertakes to adopt and the times within which they will be implemented;
- if the Complaint is found to be partially or totally unfounded, a clear and comprehensive explanation of the reasons for the rejection, including any necessary indication of the possibility of recourse to alternative dispute resolution systems.

Where the solutions identified by the Rome Branch do not completely satisfy the Customer, the latter may pursue out-of-court dispute resolution systems, which operate in an alternative way to the ordinary Judicial Authority, allowing a faster and more economical treatment of the issues under trial:

- ABF – Banking Financial Arbitrator, competent in the field of banking and financial operations and services (you can consult the website www.arbitrobancariofinanziario.it), and
- CBF – Financial Banking Conciliator (www.conciliatorebancario.it), specialised in financial banking.

Personal data will be processed in accordance with the provisions of the Information on the processing of personal data pursuant to articles 13 and 14 of Regulation (EU) 2016/679 annexed to this document.

**Information on the processing of personal data pursuant to articles 13 and 14 of Regulation (EU) 2016/679 ("GDPR")**

This notice describes how Aareal Bank AG – Italy Branch with registered office in Via Mercadante 12/14, 00198 Rome ("**Data Controller**") processes personal data in relation to the handling of complaints, in accordance with the General Data Protection Regulation (GDPR), the applicable Italian legislation and the Banca d'Italia Regulations of 29.07.2019 "Transparency of banking and financial transactions and services – Fairness of relationships between intermediaries and customers".

**Types of data processed**

The Data Controller processes the following categories of personal data ("**Data**") strictly necessary to manage the Complaint: identification and contact data (e.g. name, surname, contact details), data relating to the contractual relationship and/or the product/service concerned, information contained in the Complaint and in the related documentation, correspondence data and communication logs. Data may also be processed from third parties involved in the facts that are the subject of the Complaint or from public sources and information already present in the systems of the Data Controller as relevant to the Complaint.

**Purposes and legal bases of processing**

The Data will be processed for the following purposes:

- Investigation, management and definition of the Complaint, including the analysis of the facts and documents, as well as the adoption of any consequential measures in case of consistency. Legal basis: execution of pre-contractual or contractual measures taken at the request of the data subject, where the Complaint concerns the relationship with the Data Controller (Article 6, paragraph 1, letter b) of the GDPR); fulfilment of legal obligations to which the Data Controller is subject, including the applicable provisions of supervision and transparency (Article 6, paragraph 1, letter c) of the GDPR); legitimate interest of the Data Controller in ensuring the proper handling of complaints and the protection of their rights (Article 6, paragraph 1, letter f) of the GDPR).

- Prevention and management of litigation, ascertaining, exercising or defending the rights of the Data Controller in court and out of court. Legal basis: legitimate interest of the Data Controller (Article 6, paragraph 1, letter f) of the GDPR). The provision of Data is necessary for the proper handling of the Complaint; any refusal involves the impossibility of investigating and finding the Complaint.

**Methods of processing and security**

The processing takes place with electronic, telematic and manual tools, according to logics strictly related to the purposes indicated and with technical and organisational measures appropriate to guarantee the security, integrity, availability and confidentiality of the Data, in compliance with the principle of minimisation.

**Recipients or categories of recipients of the Data**

The Data may be communicated to parties who work on behalf of the Data Controller or who provide services instrumental to the purposes indicated above, including: functions and employees of the Data

Controller in charge of handling complaints; Aareal group companies involved in handling the Complaint; IT and archiving service providers; legal advisors and other professional advisors; out-of-court resolution bodies, supervisory authorities and competent public authorities, within the limits of their respective institutional purposes and legal obligations. These entities act, depending on the case, as data controllers pursuant to Article 28 of the GDPR or as independent controllers.

**Data transfers abroad**

The processing takes place mainly within the European Economic Area. If transfers to third countries are necessary without an adequacy decision, these will be done in compliance with articles 44 et seq. of the GDPR, through the adoption of appropriate safeguards (e.g. standard contractual clauses) and, if necessary, additional measures. Information on the safeguards applied can be obtained by contacting the Data Controller or the DPO at the addresses indicated below.

**Retention periods**

The Data will be kept for the time strictly necessary to manage the Complaint and, in any case, no later than 10 years from the date of the Complaint, without prejudice to further retention periods imposed by legal obligations or necessary for the protection in court of the rights of the Data Controller.

**Automated decision-making and profiling**

In the context of complaint handling, decisions based solely on automated processing, including profiling, shall not be taken, which produces legal effects concerning the data subject or similarly significantly affects him or her.

**Rights of the data subject**

In relation to the Data, the data subject may exercise, in the cases and within the limits provided for by the GDPR, the following rights: access, rectification, erasure, restriction of processing, opposition to processing based on legitimate interest, data portability, as well as the right not to be subject to decisions based solely on automated processing, including profiling, which produce legal effects concerning him or her or significantly affect him or her. Where the processing is based on consent (if required), the data subject has the right to withdraw it at any time, without prejudice to the lawfulness of the processing carried out before the withdrawal.

Requests for the exercise of rights can be submitted to the Data Controller or to the DPO at the addresses indicated below.

The data subject also has the right to lodge a complaint with the competent supervisory authority, in particular that of the Member State in which he habitually resides, works or the place where the alleged infringement occurred. In Italy, the Authority is the Guarantor for the Protection of Personal Data.

**Data Protection Officer (DPO) and contacts**

The Data Controller has appointed a Data Protection Officer (DPO). The DPO can be contacted for questions relating to the processing of personal data at: Aareal Bank AG, Paulinestrasse 15, 65189 Wiesbaden, or by e-mail at datenshutz@aarealbank.com

You can contact the Data Controller at PEC aarealbankfilialeitalia@legalmail.it