

## Privacy Statement

Regulation (EC) 45/2001 applies to the processing of personal data carried out in the procedure of the *right to be heard* granted in respect of the SRB communication, in line with Article 76(1)(e) of Regulation (EU) 806/2014 (hereinafter: SRMR).

Pursuant to Article 20(16)-(18) SRMR and Article 76(1)(e) SRMR, the SRB will adopt a decision on whether compensation needs to be provided to affected shareholders and creditors (meaning the shareholders and creditors whose shares or capital instruments respectively have been affected by the resolution action taken in respect of Banco Popular Español) on the basis of an assessment whether they would have received better treatment if instead of resolution, the institution had entered into normal insolvency proceedings.

The SRB considers that such right to be heard can be based on the general principles of the EU administration and Article 41(2)(a) of the charter of fundamental rights of the European Union. This Article provides for “the right of every person to be heard, before any individual measure which would affect him or her adversely is taken”. It follows from the above that in order for the SRB to be able to identify whether a person has the right to be heard with respect to the above notice on the basis of Article 20(16) SRMR, the SRB needs to ask the person which claims that he/she has a right to be heard to provide with the relevant documentation, i.e. identity and proof of owning the capital instruments written down/converted and transferred at the time of adoption the resolution scheme.

The SRB hereby provides you, as the data subject, with the following information:

- The controller is the individual Person designated as being in charge of the particular processing operation within the SRB:
  - The head of the Resolution Unit in charge of resolution planning for Banco Popular Español S.A.
  - Email: Data-Controller-BPE@srb.europa.eu
- The purpose of the processing is to identify and verify that persons that wish to exercise the right to be heard are directly affected parties to the abovementioned notice and are, as a consequence, entitled to a right to be heard.
- The processing of your personal data is based on Article 5(b) of the Regulation which stipulates that “personal data may be processed only if “processing is necessary for compliance with a legal obligation to which the controller is subject”.
- The categories of data collected and used for the processing operations are:
  - For the affected person: Contact details (last name and first name, residence details) and date of birth;
  - For the representative (if applicable): Contact details (last name and first name, private or professional address) and relationship with the affected person;

- Email address for correspondence;
  - Copy of the affected person's identity card, EU driver's licence or passport; and
  - Proof of ownership of Banco Popular instruments affected by the resolution scheme of the SRB of 7 June 2017, such as certified bank statement or other relevant document.
- The recipients and/or categories of recipients are:
    - SRB's Resolution Unit in charge of resolution planning for Banco Popular Español S.A.;
    - SRB's legal department;
    - Other staff employed by the SRB and dedicated to the verification process of the right to be heard procedure; and
    - EU Survey Support Staff.
- Your personal data in the meaning of Regulation will not be subject to any publication. However, the personal views and comments you may provide during the hearing procedure might be subject to publication in an anonymised and as the case may be aggregated format. The latter will be subject to inclusion into the motivation of the final SRB decision to be taken after the hearing procedure.
- Your rights with respect to your data: Subject to the applicable data protection law, you have the right to request from the Controller (i) access to and rectification of personal data, (ii) erasure of personal data, (iii) restriction of processing concerning your data or, where applicable, (iv) the right to object to processing your data and (v) the right to data portability. For this purpose, please contact the Controller. You may send an E-mail to Data-Controller-BPE@srb.europa.eu. The right of rectification can only apply to factual data processed.
- The legal basis of the processing operation at stake is Article 20(16)-(18) SRMR and Article 76(1)(e) SRMR; Article 41(2)(a) of the charter of fundamental rights of the European Union.
- The data will be stored by SRB for the entire duration of the hearing procedure and/or any further legal actions that are brought against the SRB on the grounds of Article 76(1)(e) of the SRMR within their limitation periods.
- The SRB Data Protection Officer is at your disposal for any clarification on your rights under the Regulation: SRB-DPO@srb.europa.eu.
- You also have the right to lodge a complaint with the European Data Protection Supervisor (EDPS) edps@edps.europa.eu