

**PRIVACY POLICY AND MAINTAINING OF CONFIDENTIALITY  
OF  
INVESTMENT INTERMEDIARY “MK BROKERS” AD**

**I. POLICY OBJECTIVES**

In relation with the entry into force on 25.05.2018 of 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, and repealing Directive 95/46/EC / hereinafter referred to as the “Regulation” /, certain obligations arise for the Investment intermediary “MK Brokers” AD, in its capacity of controller of personal data, including to inform its current and future clients / contractors about:

- the categories of personal data, that are processed;
- the purposes and legal basis for the processing;
- the storage period;
- whether the data can be provided to other recipients, a third country or an international organization
- concerning the rights of the data subject and etc.

The security and the correct use of personal data are extremely important both for our clients / contractors and for the Investment intermediary “MK Brokers” AD, which is why it is important for us our clients / contractors to understand how and why we process their personal data.

**II. CONTROLLER’S DATA**

“MK Brokers” AD /hereinafter referred to as the Company, the controller/ is an Investment intermediary within the meaning of the Markets in Financial Instruments Act, holding a relevant license issued by the Financial Supervision Commission.

The company is registered in the Commercial Register at the Registry Agency under UIC 175007052, with seat and management address: Sofia, district “Sredets”, 8 Tsar Osvoboditel Blvd., floor 4.

The company is a personal data controller within the meaning of article 4 of the General Data Protection Regulation (EU) 2016/679 and the legislation of the European Union and the Republic of Bulgaria.

**III. PRINCIPLES OF THE PROCESSING**

The principles of the data protection are:

1. Lawfulness, fairness, and transparency – processing in the presence of a legal basis, in taking due care and in informing the data subject,
2. Purpose limitation – collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes,
3. Data limitation – the data are adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed,
4. Accuracy – kept up to date and undertaken of every reasonable step to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased, or rectified without delay,

5. Storage limitation – the data should be processed for a period of minimum duration according to the purposes. Long-term storage is permissible for archiving purposes in the public interest, for scientific or historical research or statistical purposes, but provided that appropriate technical and organizational measures are applied,
6. Integrity and confidentiality – processing in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures,
7. Accountability – the controller shall be responsible for, and be able to demonstrate compliance with all principles, in relation with the personal data processing.

If the specific purpose or purposes for which personal data are processed by “MK Brokers “AD do not require or no longer require identification of the data subject, “MK Brokers” AD is not obliged to maintain, obtain or process additional information to identify the data subject for the sole purpose of proving compliance with the requirements of the Regulation 2016/679.

### III. DATA PROTECTION OFFICER

Questions related to this Policy or to the exercise of rights by a data subject processed by the company may also be addressed to the Controller’ Data Protection Officer - Petya Vasileva, with whom you can contact at:

address: city of Sofia, district “Sredets”, 8 Tsar Osvoboditel Blvd., floor 4.  
e-mail: office@mkb.bg  
telephone: 02/ 494 2269

### V. DEFINITIONS

“Personal data” means any information relating to an identified or identifiable natural person (“data subject”).

An identifiable natural person is one who can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The personal data processed by “MK Brokers” AD can be defined, in general, in the following groups:

- 1/ data on the physical identity/names, identification number / PIN, Personal number /, serial number, date of issue, etc. data of the identity document, place of birth, address, telephone number, etc.,
- 2/ data concerning the family identity / marital status, family members, kinship, etc./,
- 3 / data on education / educational degree, specialty, additional qualification, titles, etc./,
- 4 / data concerning the labour activity / professional biography, etc./,
- 5/ data on the health condition / physical and mental health, provided health services, etc./;
- 6 / data on the economic identity / property and financial condition, income, etc./,
- 7 / data on the civil status / criminal record, placement under guardianship, etc./.

“Controller”: “MK Brokers” AD is a personal data controller according the Regulation. The company processes personal data to fulfil pre-contractual and contractual obligations and fulfil obligations that are legally imposed on it by the Markets in Financial Instruments Act, the Anti-Money Laundering Measures Act, etc. laws and regulations, in:

- 1/ carrying out activities for the provision of products and services as an investment intermediary,
- 2 / conclusion and performance of contracts for supply of goods and services by third parties,

3 / selection of personnel and management of the labour legal relations with the employees and the persons, employed under contracts for management and control,

4 / other legal relations.

Apart from the above, the company is entitled to process personal data and with the express consent of the Data Subject, e.g. for the purposes of direct marketing, which includes profiling insofar as it relates to direct marketing.

In the event, that the company is a Controller jointly with another person, the purposes of personal data processing are determined jointly with this other person.

“Processor” means a natural or legal person, public authority, agency, or other body which processes personal data on behalf of the controller.

“Recipient” means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not.

Public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as “recipients”; The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

## VI. BASIS OF PROCESSING

“MK Brokers” AD, processes personal data on the grounds of art. 6 (1) (a), (b) (c) and (f) of 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 (depending on the category of data and the specific legal relationship), namely:

### CONSENT, according to art. 6, (1), (a) of Regulation (EU) 2016/679

When your consent is required for the processing of your personal data, the company will perform processing only after obtaining your consent. In view of the need for the company to fulfil its obligations and exercise its rights under the relevant legal relationship with its client / counterparty, the refusal to give consent could lead to the inability of the company to provide the relevant product or services. Where the processing of your personal data for a specific purpose is based on a given consent, you may withdraw it at any time, without prejudice to the lawfulness of the processing prior to its withdrawal. Withdrawal of consent is valid from now on and cannot have retroactive effect.

### CONTRACT, according to art. 6, (1), (b) of the Regulation (EU) 2016/679

The company processes your personal data when the processing is necessary for the performance of a contract to which the data subject is party or to take steps at the request of the person to enter a contract. In cases when you take steps to enter into a contractual relationship with the company and/or enter into a contract with it, it is necessary to provide information representing personal data so that the company can take the steps to provide the desired product / service.

In view of the need for the company to fulfil its obligations and exercise its rights under the respective legal relationship with its client / counterparty, the refusal to provide personal data by a particular person leads / could lead to impossibility of the respective legal relationship between the person and the company.

**LEGAL OBLIGATION**, according to art. 6, (1), (c) of regulation (EU) 2016/679

The company processes your personal data when the processing is necessary to comply with legal obligations to which it is addressed, in the capacity of controller, such as:

- identification of the company' customers, as well as for carrying out identification checks, according to the Measures against Money Laundering Act. We collect the following personal data: name, address, PIN, ID card number, place of birth, telephone number/ e-mail, marital status, financial status, etc. A copy of your identity document - ID card is collected and stored based on Art. 53 in connection with art. 4, items 8-10 of the Measures Against Money Laundering Act.
- providing information to state bodies and institutions such as the Financial Supervision Commission, NSSI, NRA, courts, prosecutor's office, State Agency for National Security, etc., in compliance with the relevant legal procedures. Such obligations are provided in the Measures against Money Laundering Act /MMLA/, the Measures against Financing of Terrorism Act /MFTA/, the Tax-Insurance Procedure Code /TIPC/, the Accountancy Act, the Markets in Financial Instruments Act /MFIA/, the Obligations and Contracts Act /OCA/, the Code of Civil Procedure /CCP/, the remaining part of the applicable legislation / national and Community law /, regulating the activity of the company.

Insofar as "MK Brokers" AD is obliged to fulfil certain requirements regulated by laws or other normative acts, respectively, in view of the company' need to perform the obligations and to exercise its rights under the respective legal relationship with its client / counterparty, the refusal to provide personal data by a specific person leads / could lead to the impossibility for the respective legal relationship occurrence between the person and the company.

**LEGITIMATE INTEREST**, according art. 6, (1), (f) of Regulation (EU) 2016/679

The company processes your personal data in cases where data are provided to third parties, in fulfilment of legal or contractual obligations of the controller, or on other valid legal grounds

## **VII. PURPOSES OF THE PROCESSING**

"MK Brokers" AD processes your personal data for the following purposes:

- conclusion or implementation of a contract concluded with the company;
- the need to comply with the legal obligations to which the controller is subject under the Measures against Money Laundering Act /MiMLA/,
- the need to comply with the legal obligations to which the controller is subject under the Markets in Financial Instruments Act for prevention, establishment, and management of conflicts of interest and others,
- in the events concerning the conclusion / implementation of a portfolio management contract or the provision of investment advice on financial instruments, the need to comply with the legal obligations to which the controller is subject under the Markets in Financial Instruments Act and its implementing acts to assess adequacy and expediency of the services provided,
- the need to comply with the legal obligations to which the controller is subject under the Tax-Insurance Procedure Code for storage of accounting and commercial information, as well as all other information and documents relevant to taxation and mandatory social security contributions,
- the need to comply with the legal obligations to which the controller is subject under the Accountancy Act for keeping accounting records and storing the accounting information,

- the need to comply with the legal obligations to which the controller is subject under the Code of Civil Procedure and the Tax-Insurance Procedure Code, in connection with the execution of liens on property of the company' clients and contractors.

In case that your personal data will be processed subsequently for a purpose other than the one for which they were collected / provided, before this processing "MK Brokers" AD will provide you with information for this other purpose and other necessary information in accordance with the law.

## **RECIPIENTS OF PERSONAL DATA**

In the event of need to fulfil a regulatory obligation and / or contractual obligations, depending on the nature of the specific legal relationship, it is possible "MK Brokers" AD to provide your personal data to third parties-recipients/categories of recipients: Financial Supervision Commission, Ministry of Interior' bodies, State Agency for National Security, Investigation, Prosecutor's Office, Court, Private and State Bailiffs, Public Bailiffs, Audit Enterprises, Foreign Legal and Other Consultants, National Revenue Agency, Commission for Combating Corruption and Confiscation of Illegally Acquired Property, Economic Police, National Investigation Service, Bulgarian Stock Exchange - Sofia AD, Central Depository AD, other public / supervisory bodies, agencies or other structures / persons.

"MK Brokers" AD will comply with the provisions of Regulation (EU) 2016/679 in case there is a need to transfer personal data processed by the company to third countries or international organizations, including in the event of subsequent transfer of personal data from the third country or international organization to another third country or organization.

## **IX. STORAGE OF PERSONAL DATA**

"MK Brokers" AD processes and stores your personal data for the terms established in the current legislation. After the expiration of the legally established deadlines, the company will destroy your personal data. Personal data for which there is no explicitly established retention period will be destroyed after achieving the purposes for which they were collected and processed. In particular, the company will store your personal data as follows:

- In case of a concluded contract between a Client / Counterparty and "MK Brokers" AD, the latter will process your personal data for a period not shorter than that established in the relevant legislation, but not less than 5 (five) years after termination of the respective legal relationship, occurred on the basis of the contract concluded between the Client / Counterparty and the company.
- Accounting and commercial information, as well as all other information and documents relevant to taxation and compulsory social security contributions are stored:
  - Accounting books and financial statements - 10 (ten) years,
  - Documents for tax and social security control - 5 (five) years after the expiration of the limitation period for repayment of the public debt to which they are related,
  - Payroll - 50 (fifty) years,
  - Employment records - 6 years after termination of employment,
  - All other carriers - 5 (five) years.
- In the event that no contract is concluded between the Client / Counterparty and "MK Brokers" AD within 12 (twelve) months from the date of receipt of personal data, the personal data provided to the company in this regard will be destroyed / deleted by the company within 15 (fifteen) months from the date of receipt,

- In case of execution of imposed liens on the Client / Counterparty's property, the company will store the attachment notices and documents in the attachment file, on paper and / or electronic media, within not less than 10 (ten) years after the cancellation of the lien;
- In the event of received inquiries (respectively answers) from FSC, State Agency for National Security (SANS), Commission for Combating Corruption and Confiscation of Illegally Acquired Property (KPKONPI), Prosecutor's Office, Courts, Ministry of Interior, National Investigation Service, experts, bailiffs, public bailiffs and other bodies of the NRA, as well other bodies and institutions, the company shall store the personal data' paper and / or electronic media on which the relevant request is materialized, for a period not less than that established in the relevant legislation, but not less than 10 (ten) years from the reply to the requesting authority and the closure of the file, and not earlier than the closure of the pre-trial, judicial and other proceedings for the needs of which the information have been provided;
- Recordings from security video cameras - 60 (sixty) days,
- Recordings of video and telephone recordings of conversations with clients within the meaning of Regulation 565 / EU - 7 (seven) years,
- Records from chip access cards - 32 (thirty-two) days / months.

The time limits may be extended further, for example in the case of pre-trial, court and arbitration proceedings, suspension / interruption of the limitation period, as well as in compliance with legal provisions and requirements of supervisory authorities.

## **X. DATA SUBJECT RIGHTS**

As a data subject which and to what extent are processed by "MK Brokers" AD, respectively you have the right:

- to request from the company access to your personal data,
- request the company rectification of your personal data,
- request from the company your personal data to be erased after the expiration of the respective deadlines specified in this notification,
- request from the company to restrict the processing of your personal data after the expiration of the terms specified in this notice,
- to object to the processing of your personal data by the company,
- to data portability, when this is technically feasible and provided that a respective request has been submitted by you and the selected new controller,
- to withdraw at any time your consent for processing of your personal data by the company, when the same is carried out on the grounds of art. 6, paragraph 1, point a) or art. 9 (2) (a) of Regulation (EU) 2016/679.
- of a complaint to the Commission for Personal Data Protection with address: 1592 Sofia, 2 Prof. Tsvetan Lazarov Blvd., telephone 02/91 53 518, e-mail: [kzld@cpdp.bg](mailto:kzld@cpdp.bg)

Any data subject may exercise his or her rights by submitting a written request / notification to "MK Brokers" AD in free text.

Request/notification can be submitted:

- on site, at the office of "MK Brokers" AD
- by mail, at the management address of "MK Brokers" AD or

- electronically, at: office@mkb.bg, by e-mail and email, signed in accordance with the Electronic Document and Electronic Certification Services Act.

An answer to your request / notification will be drafted in a timely manner and without undue delay and sent / delivered to the address or in the manner specified by you.

## **XI. ADOPTION AND AMENDMENT OF THE PRIVACY POLICY**

The privacy policy and maintaining of confidentiality is adopted by the Board of Directors of “MK Brokers” AD.

Amendments and supplements to this Policy are made by decision of the Board of Directors of “MK Brokers” AD.

The policy, as well as notices for amendments and supplements to it, are published on the company's website [www.mkb.bg](http://www.mkb.bg)

## **FINAL PROVISIONS**

§1. This privacy policy and maintaining of confidentiality is adopted by the Board of Directors of “DISL Securities” AD (new name - “MK Brokers” AD) on 23.05.2018 and enter into force on the same date, as amended, with a decision of the Board of Directors dated 15.06.2020.