

**Approved by
Order
of Director General
of Central Counterparty
“Clearing Centre MFB”
(joint-stock company)
No. 766 dated 01.10.2020**

**POLICY
ON PROCESSING AND PROTECTION OF PERSONAL DATA OF
CC “CLEARING CENTRE MFB” (JSC)**

Moscow 2020

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1. General Provisions

This Policy has been developed on the basis of the Constitution of the Russian Federation, the Labour Code of the Russian Federation, Federal Law No. 152-FZ dated 27.07.2006 “On Personal Data” and other laws and regulations of the Russian Federation.

This Policy determines the procedure for receipt, acquisition, search, collection, systematization, accumulation, storage, clarification, update, change, use, distribution (including transfer), depersonalization, blocking, destruction, accounting of documents containing information related to personal data of personal data subjects of the Central Counterparty “Clearing Centre MFB” (joint-stock company) (CC “Clearing Centre MFB” (JSC)) with or without the use of automation means.

The purpose of this Policy is to protect the personal data of subjects of personal data of CC “Clearing Centre MFB” (JSC) from unauthorised access and disclosure, misuse or loss. Personal data is confidential, strictly protected information.

This Policy applies to all divisions of CC “Clearing Centre MFB” (JSC).

2. List of Terms and Definitions

The **Personal Data** means any information relating to an identified or identifiable individual (data subject) on the basis of such information, including their surname, first name, patronymic, year, month, date and place of birth, address, marital, social, property status, education, profession, income, other information.

The **Subject of Personal Data** means an individual who is directly or indirectly identified or identifiable with the personal data.

The **Personal Data Operator** means a state authority, municipal authority, legal entity or natural person organising and/or carrying out the processing of personal data and determining the objective and content of the processing of personal data.

The **Processing of Personal Data** means actions (operations) with personal data, including collection, systematisation, accumulation, storage, clarification (updating, modification), use, distribution (including transfer), depersonalisation, blocking, destruction of personal data.

The **Personal Data Information System** means an information system that is a combination of personal data contained in a database, as well as information technology and technical means that allow for the processing of such personal data with or without the use of automation tools.

The **Use of Personal Data** means actions (operations) with personal data performed by the operator in order to make decisions or perform other actions that generate legal consequences with respect to the subject of personal data or other persons or otherwise affect the rights and freedoms of the subject of personal data or third parties.

The **Confidentiality of Personal Data** means the mandatory requirement for the operator or other person who has access to personal data to prevent their dissemination without the consent of the subject of personal data or other legal grounds.

The **Depersonalisation of Personal Data** means actions as a result of which it is impossible to determine whether personal data belongs to a specific subject of personal data.

The **Public Personal Data** means personal data, access of an unlimited number of persons to which is granted with the consent of the subject of personal data or which, in accordance with federal laws, is not subject to the requirement of confidentiality.

The **Distribution of Personal Data** means actions aimed at the transfer of personal data to a certain group of persons (transfer of personal data) or for reviewing the personal data of an unlimited number of persons, including the publication of personal data in the mass media, posting in information and telecommunications networks or providing access to personal data in any other way.

The **Cross-border Transfer of Personal Data** means the transfer of personal data by an operator across the State Border of the Russian Federation to an authority of a foreign state, an individual or a legal entity of a foreign state.

The **Blocking of Personal Data** means the temporary termination of the collection, systematisation, accumulation, use, distribution of personal data, including their transfer.

The **Destruction of Personal Data** means actions that make it impossible to restore the content of personal data in a personal data information system or that result in the destruction of tangible media of personal data.

3. Subjects of Personal Data

3.1. CC “Clearing Centre MFB” (JSC) processes the personal data of the following categories of subjects of personal data:

- clients of CC “Clearing Centre MFB” (JSC): individuals, including sole traders, their representatives, beneficiaries (individuals) and beneficial owners;
- founders/participants/shareholders (individuals), representatives, beneficial owners and beneficiaries (individuals) of CC “Clearing Centre MFB” (JSC) clients - legal entities;
- individuals who have, or have had, an employment relationship with CC “Clearing Centre MFB” (JSC);
- natural persons with whom CC “Clearing Centre MFB” (JSC) has or had a civil legal relationship; natural persons who are members of the management bodies of CC “Clearing Centre MFB” (JSC);
- representatives of CC “Clearing Centre MFB” (JSC) - individuals who represent the interests of CC “Clearing Centre MFB” (JSC) in all regions of the Russian Federation under a power of attorney;
- individuals who are job applicants;
- shareholders of CC “Clearing Centre MFB” (JSC) - individuals, owners of ordinary and preferred shares of CC “Clearing Centre MFB” (JSC);
- individuals who carried out entry into the territory of CC “Clearing Centre MFB” (JSC) where the access regime is performed;
- individuals who are the ultimate beneficiaries, in accordance with the US Foreign Account Tax Compliance Act;
- other individuals who have agreed for processing of their personal data by CC “Clearing Centre MFB” (JSC) or individuals whose personal data processing is necessary for CC “Clearing Centre MFB” (JSC) to perform and fulfil the functions, powers and obligations imposed on NCC “Clearing Centre MFB” (JSC) by the legislation of the Russian Federation.

4. Personal Data Processing Objectives

4.1 The processing of personal data of clients of CC “Clearing Centre MFB” (JSC) is carried out with the following purposes:

- performance of clearing activities provided for by the Articles of Association of CC “Clearing Centre MFB” (JSC) and the license of the Bank of Russia;
- carrying out CC “Clearing Centre MFB” (JSC) administrative and economic activities;
- personnel selection, assistance to employees in employment, training and promotion, ensuring personal safety of employees, control of quantity and quality of work performed and property security;
- entrusting individuals to represent the interests of CC “Clearing Centre MFB” (JSC) on the basis of a power of attorney in all regions of the Russian Federation;
- keeping the register of shareholders in accordance with Article 44 of Federal Law No.208-FZ dated 26.12.1995 “On Joint-Stock Companies”;
- in compliance with the requirements of the US Foreign Account Tax Compliance Act.

5. Personal Data Processing Terms

5.1 The personal data processing data processes with the consent of the subjects of personal data.

5.2 The processing of personal data ensures its confidentiality, i.e. means that it cannot be distributed without the consent of the subject of personal data, except in cases where personal data is classified as anonymised or publicly accessible.

5.3 In case CC “Clearing Centre MFB” (JSC) entrusts the processing of personal data to third parties under a contract, an essential condition of the contract is the obligation to ensure the confidentiality of personal data and security of personal data during their processing by the said party.

5.4 In accordance with Presidential Decree No. 188 dated 06.03.1997 “On Approval of the List of Information of Confidential Nature”, personal data is treated as confidential information. CC “Clearing Centre MFB” (JSC) provides documentation of the list of confidential information. The list of confidential information shall be approved by a relevant corporate order of the General Director of CC “Clearing Centre MFB” (JSC).

5.5 The storage of personal data is carried out in a form that allows determining the subject of personal data, no longer than the purposes of their processing require, and they are subject to destruction upon achievement of the processing goals or in case of loss of the need to achieve them, unless otherwise provided by the legislation of the Russian Federation.

5.6 The processing of personal data for the purpose of promoting goods, works, services on the market by means of direct contacts with a potential consumer using means of communication is allowed only with the prior consent of the subject of personal data.

5.7 Cross-border transfer of personal data (transfer across the State border of the Russian Federation to an authority of a foreign state, an individual or a legal entity of a foreign state) is carried out only with the written consent of the subject of personal data.

5.8 Creation of public sources of personal data of CC “Clearing Centre MFB” (JSC).

6. Information on the Implemented Requirements for the Protection of Personal Data

6.1 The personal data security measures are an integral part of CC “Clearing Centre MFB” (JSC) activities.

6.2 The management of CC “Clearing Centre MFB” (JSC) shall organise the activities to ensure security of personal data.

6.3 In order to develop and implement measures to ensure security of personal data during its processing in information systems of CC “Clearing Centre MFB” (JSC), an officer responsible for the organization of processing of personal data is appointed by the Order of the General Director.

6.4 The selection and implementation of information protection methods and techniques may be carried out by an organisation holding a duly issued licence for the technical protection of confidential information.

6.5 A set of personal data protection measures is aimed at preventing violations of the availability, integrity, reliability and confidentiality of personal data and ensures the security of information in the process of management and production activities of CC “Clearing Centre MFB”

6.6 CC “Clearing Centre MFB” (JSC) takes necessary organisational and technical measures when processing personal data, including the use of encryption (cryptographic) tools to protect personal data from unlawful or accidental access, destruction, modification, blocking, copying, distribution of personal data, as well as from other unlawful actions in accordance with the requirements for the security of personal data during their processing in personal data information systems, requirements for tangible media of biometric personal data and technologies for storing such data outside personal data information systems, as established by the Government of the Russian Federation.

6.7 The use and storage of biometric personal data outside personal data information systems is carried out only using such tangible media and storage technologies that protect such data from unauthorised or accidental access, destruction, modification, blocking, copying, distribution.

6.8 Measures to protect personal data can be divided into internal and external protection.

The “Internal Protection” includes organisational and technical measures, regulating personnel access to confidential information, documents and databases as one of the main areas of organisational information protection and is intended to delineate authority between management and specialists of CC “Clearing Centre MFB” (JSC).

For “External Protection” of confidential information, targeted disadvantages and insurmountable obstacles are created for a person attempting to commit unauthorised access and take possession of information.

6.9 The following principles and rules are applicable to the protection of personal data in CC “Clearing Centre MFB” (JSC):

- restriction and regulation of the composition of employees whose functional duties require access to information containing personal data;
- strict selective and reasonable distribution of documents and information among employees;
- rational arrangement of employees' workplaces, in which the uncontrolled use of protected information is excluded;
- employees' awareness of the requirements of regulatory and methodological documents on personal data protection;
- availability of the necessary conditions in the room for handling confidential documents and databases;
- determination and regulation of the staff who have the right of access (entry) to the premises in which the corresponding computer equipment is located;
- organisation of procedures for the destruction of information;
- timely detection of violations of the requirements of the permissive access system by employees of the department;
- education and training of employees in the unit to prevent the loss of valuable information when dealing with confidential documents;
- password protection of personal computers containing personal data.

6.10 The objective and result of unauthorised access to information resources may be not only the acquisition and use of valuable information, it may also be its alteration, destruction, insertion of a virus, substitution, falsification of the content of document requisites, etc.

6.11 An unauthorised person means any person not directly related to the activities of CC “Clearing Centre MFB” (JSC), visitors, employees of other organisational structures. Unauthorised persons may not be aware of the distribution of functions, work processes, technology for compiling, executing, maintaining and storing documents, files and work materials in the human resources department, accounting, finance and forecasting department and other departments that use personal data.

6.12 A number of organisational and technical measures are in place to protect personal data:

- the procedure for receiving, recording and monitoring visitors' activities;
- the technical means of security, alarm system;
- the procedure for securing the territory, buildings, premises and vehicles;
- the requirements for information security during interviews and questioning.

6.13 When collecting personal data, including via the Internet, information and telecommunication network, CC “Clearing Centre MFB” (JSC) provides recording, systematisation, accumulation, storage, clarification (updating, change), extraction of personal data of citizens of the Russian Federation using databases located in the Russian Federation, except for cases specified in the Federal Law “On Personal Data”.

7. Responsibility for Disclosing of Personal Data

7.1 Personal liability is one of the main requirements for organising the functioning of the personal data protection system and a prerequisite for ensuring the efficiency of this system.

7.2 Legal entities and individuals who, in accordance with their authority, possess, receive and use information concerning citizens are liable in accordance with the legislation of the Russian Federation for violating the regime of protection, processing and use of this information.

7.3 The supervisor who authorises an employee's access to a confidential document bears personal responsibility for such authorisation.

7.4 Persons found in violation of the regulations governing the receipt, processing and protection of the subject's personal data are liable to disciplinary, administrative, civil or criminal penalties under federal laws.

7.5 Every employee of CC “Clearing Centre MFB” (JSC) who receives a confidential document for work takes personal responsibility for the security of the data medium and the confidentiality of the information received.

7.6 Officials responsible for maintaining personal data are obliged to ensure that each subject of personal data has access to documents and materials, unless otherwise provided by law.

7.7 Unlawful refusal to provide personal data collected in the prescribed manner, or failure to provide it in due time in cases prescribed by law, or provision of incomplete or deliberately false information entails the imposition of an administrative penalty on officials as prescribed by the Code of Administrative Offences of the Russian Federation.

7.8 Pursuant to the Civil Code of the Russian Federation, persons who unlawfully obtained information constituting personal data are liable to compensate for losses incurred; the same obligation is imposed on employees who do not have the right to access personal data.

7.9 Criminal liability is incurred for violations of privacy (including the unlawful collection or dissemination of information concerning a person's private or family secret without his or her consent), unlawful access to legally protected computer information and the unlawful refusal to provide documents and information collected under the established procedure (if these acts have caused harm to the rights and lawful interests of citizens), committed by a person using his or her official position, is punishable under the procedure laid down in the Criminal Code of the Russian Federation.

7.10 The inappropriateness of the collection and use of personal data by public authorities and organisations can be established in court.

8. Final Provisions

8.1. Other rights and obligations of CC “Clearing Centre MFB” (JSC) as an operator of personal data are determined by the legislation of the Russian Federation in the field of personal data.

8.2. This Policy is subject to mandatory publication on the official website of CC “Clearing Centre MFB” (JSC) in accordance with the Federal Law “On Personal Data”.