

**KELER Group**  
**Complaint Handling Procedure**  
Extract of the Complaint Handling Regulation  
of KELER Group

**Effective from: 15 January 2021**

## General part

### Scope of the regulation

**Material scope:** All complaints received verbally (personally, by phone) or in writing (document submitted personally or otherwise, mailed, faxed, emailed) by KELER and KELER CCP that are related to the business activity of the KELER Group. This regulation does not pertain to the complaint handling procedure of the KELER group regarding personal data. The Data Protection Regulation of KELER Group regulates such complaints.

**Personal scope:** Organisational units and employees of KELER and KELER CCP involved in complaint handling, and persons having permanent agency relationship with KELER and KELER CCP.

### References

#### References to legislation:

- Regulation (EU) No. 909/2014/EU of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (CSDR)
- Regulation 648/2012/EU of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (EMIR)
- Commission Delegated Regulation 153/2013/EU of 19 December 2012 supplementing Regulation 648/2012/EU of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties
- Regulation 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 (General Data Protection Regulation, or GDPR)
- Act CXX of 2001 on the Capital Market (Tpt.)
- Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises (Hpt.)
- Act CXXXVIII of 2007 on Investment Firms and Commodity Dealers, and on the Regulations Governing their Activities (Bszt.)
- Act CXXXIX of 2013 on the Central Bank of Hungary (MNB Act)
- Act CXII of 2011 on Informational Self-Determination and Freedom of Information (Infotv.)
- Government Decree 435/2016 (XII.16.) on the detailed rules related to the complaint management procedures and complaint management regulations of investment firms, payment institutions, institutions issuing e-money, trade voucher issuers, financial institutions and independent payment service intermediaries
- MNB Decree 10/2009. (II.27.) on the requirements for the General Terms and Conditions and operating rules of the central securities depository

- MNB Decree 11/2009 (II.27.) on the requirements for the General Terms and Conditions and operating rules of organisations providing central counterparty activities under the Act on Capital Markets
- MNB Decree 46/2018 (XII.17.) on the detailed rules on the format and method of complaint management by certain financial organizations
- MNB Recommendation 13/2015 (X.16.) on the complaint management process of financial organizations

### **Abbreviations used in the regulation**

Data Protection Officer	The person stated in the Data Protection Regulation of the KELER Group
KELER	KELER Central Securities Depository Ltd.
KELER Group	KELER and KELER CCP jointly
KELER CCP	KELER CCP Central Counterparty Ltd.
MNB	Magyar Nemzeti Bank / Supervisory Authority
SD	Service Desk Team
Client	The entity determined in the General Business Rules of KELER and KELER CCP
Client Service	Organizational unit operating within Strategy and Client Relations

### **Definition of complaint, complainant and person acting on behalf of the complainant**

For the purposes of this Regulation any complaint concerning the conduct of KELER or KELER CCP prior to contracting, during contracting, concerning the performance of the contract, the termination of the contract or any conduct during the contractual period or concerning any omission of said KELER entities received verbally (personally, by phone) or in writing (document delivered personally or otherwise, mailed, faxed or emailed) are considered complaints. General information provided, request of opinion, requests by authorities are not considered complaints, except for requests expressly forwarded by the Supervisory Authority for the investigation of the complaint submitted by the complainant to the Supervisory Authority.

In accordance with this Regulation, issues reported by customers (fulfilling the criteria of the previous paragraph) arising from incidents of IT nature that partners submit in any channel and are received through SD are to be treated as complaints. The reports on other IT incidents not included in the description of the previous paragraph (device supporting KELER, KELER CCP services stops, damage to availability, replacement of forgotten password, and other contacts made related to the resolution of technical issues) continue to be recorded and reported in the customary format - SD Daily Reports, P41 Overseer statistics reports, Report on extraordinary events (MNB data collection identification number: W08). The provisions of this Regulation do not apply to the latter type of IT incidents.

For the purposes of this Regulation complainant means the person filing a complaint concerning the conduct of KELER or KELER CCP prior to contracting, during contracting, concerning the performance of the contract, the termination of the contract or any conduct during the contractual period or concerning any omission of said KELER entities.

For the purposes of this Regulation the person acting on behalf of the complainant is the person acting on its own behalf or on behalf of other persons (the complainant and the representative or the person authorized by the complainant). If the authorized representative of the complainant acts on behalf of its complainant, the authorization is required to be stated in a public document or private document with full probative force that cannot be older than 30 days.

## **Method and deadline to submit and handle complaints**

KELER handles complaints related to the operation, conduct, activity or failure of both KELER and KELER CCP. This latter activity is performed as an outsourced activity, based on the outsourcing agreement made by KELER CCP and KELER.

### **Complaints can be submitted to KELER Group in the following ways**

#### **Verbal complaints can be submitted:**

- a) Personally at the Client Service of KELER (KELER Ltd., H-1074 Budapest, Rákóczi út 70-72.), in the opening hours of the Client Service (from Monday to Friday between 9.00 am and 3.00 pm).
- b) By telephone at phone number +36 1 483 6240 on Tuesdays between 8.00 am and 8.00 pm.
- c) Complaints concerning IT incidents can be reported by phone to KELER Service Desk at phone number +36 1 483 6120 from Monday to Friday between 7.00 am and 8.00 pm.

#### **Written complaints can be submitted:**

- a) In a free format document or on the form downloaded from the website of MNB, both signed, delivered personally or by a third party, to the address of the KELER Group (H-1074 Budapest, Rákóczi út 70-72.) or by entering the complaint in the Book of Complaints that can be found at the Client Service.
- b) By mail, sending the document in line with item a) to KELER to the mailing address of KELER (H-1074 Budapest, Rákóczi út 70-72.), to KELER CCP to the mailing address of KELER CCP (H-1074 Budapest, Rákóczi út 70-72.).
- c) By fax to fax number +36 1 483 6194 to KELER, to fax number +36 1 342 3539 to KELER CCP, any time.
- d) In email, sent to [keler@keler.hu](mailto:keler@keler.hu) to KELER, or to [kelerccp@kelerkszf.hu](mailto:kelerccp@kelerkszf.hu) to KELER CCP, at any time.
- e) Complaints concerning IT incidents can be reported to KELER Service Desk in email, to email address [servicedesk@keler.hu](mailto:servicedesk@keler.hu).

## **Complaint management, investigation**

### **General rules**

Complaint investigation is free, no separate fees can be charged.

All related circumstances are considered when the complaint is investigated. Complaint handling officers manage complaints in line with the provisions set out in this Regulation and perform complaint recording, input tasks related to the organizational units assigned to them.

If the Client sends the complaint to an organizational unit other than the unit dealing with complaint management, or hands over the complaint to an officer other than the officer designated for complaint handling, following receipt the KELER Group forwards the complaint to the organizational unit in charge of complaint handling without delay.

In the response given to the complaint, the KELER Group member details the result of comprehensive complaint investigation, the measures to settle or resolve the complaint, and in case of complaint rejection the reason for rejection is stated, and, if necessary, the response includes the exact text of the contractual conditions or regulation, rules applicable to the subject of the complaint. The KELER Group member formulates the response in plain language.

If the Client makes a repeated complaint with identical content to the complaint rejected earlier by the KELER Group, and the KELER Groups continues to hold the same view, the KELER Group meets its obligation to respond by making reference to the earlier response it gave and by giving information that is to be provided in case of complaint rejection.

The deadline for resolving a complaint or informing the complainant on the merits is 30 calendar days after the receipt of the complaint or 15 working days in the case of a complaint concerning banking type auxiliary services subject to CSDR or 15 working days in the case of a complaint concerning system accession, participation in the system, termination of system membership or the termination conditions as regulated in MNB Decree no. 10/2009 (II.27), but KELER Group takes all reasonable efforts to investigate a complaint as fast as possible and to provide information on the current status of the procedure upon request. The assumed deadline is to be calculated from the day following the communication of the complaint or the date of its receipt. During the period available for complaint handling the employee handling the complaint is required to send a written response, including reasoning, to the complainant.

The direct supervisor of the colleague(s) assigned for complaint handling is required to check that the deadline for resolving complaints is met. If further information, documents, in particular related to the identification of the complainant, the legal relationship involved in the complaint, possessed by the person acting on behalf of the complainant are required for the investigation of the complaint, the colleague handling the complaint contacts the person acting on behalf of the complainant without delay, but not later than within 5 working days from the date the complaint is received, and will use its best efforts to obtain such further information, documents in the following 5 working days and to send the approved reply letter to the complainant within the statutory deadline.

If further information or documents available to the complainant and necessary for the complaint handling are not provided in due time to the colleague handling the complaint (e.g. information for the identification of the complainant or information concerning the underlying legal relationship), then the complaint will be handled based on the information and documents available to KELER Group. The attention of the complainant shall be brought to this. The reply shall be sent to the complainant within 30 calendar days from the receipt of the information *or within 15 working days in the case of a complaint concerning banking type auxiliary services subject to CSDR or 15 working days in the case of a complaint concerning system accession, participation in the system, termination of system membership or the termination conditions as regulated in MNB Decree no. 10/2009 (II.27)*. In the case of a complaint concerning banking type auxiliary services subject to CSDR, if not all aspects can be answered within 15 working days due to a reason not attributable to KELER Group, then the KELER Group shall send a preliminary reply to the Client that contains the reasons for the delay of the final reply and the deadline for the final reply. The deadline for the sending of the final reply shall not be later than the 35<sup>th</sup> working days after the receipt of the complaint.. Unless the Client states otherwise, the KELER Group member sends the response to the complaint, including justification, electronically (in the same channel that was used to submit the complaint), if the client sent the complaint from an email account reported by the client for communication and registered by the service provider or submitted the complaint through an online portal operated by the service provider and accessible to the Client only.

Particularly the following data can be requested from the client and recorded during complaint handling:

- names of the complainant and the person acting on behalf of the complainant - if different;
- contract number, client number;
- registered offices, addresses, mailing addresses of the complainant and the person acting on behalf of the complainant - if different;
- phone numbers of the complainant and the person acting on behalf of the complainant - if different;
- method of notification;
- product or service involved in the complaint;
- complaint description, reason;
- claim by the complainant;
- copies of the documents required to support the complaint that are in the possession of the person acting on behalf of the complainant but are not available to the organisational unit in charge of complaint management;
- valid authorization in the case of representative acting on behalf of the complainant (and its data);
- other data required to investigate and respond to the complaint.

The personal data of the complainant are to be managed in line with the provisions on the protection of personal data, the GDPR, the Infotv., and the internal Data Protection Regulation of the KELER Group.

In the course of complaint handling, the KELER Group will act to ensure that all details of the complaint are clarified, i.e. all the problems, objections raised in the complaint, all material evidence and information related to the complaint are investigated.

During complaint handling, the employee handling the complaint and other involved people are required to act in order to avoid, if possible, the creation of legal dispute.

### **Handling of verbal complaints**

Verbal complaints, including complaints submitted personally and by phone, are to be investigated immediately and remedied if possible, not including the case when the prompt investigation of the complaint is not possible.

The complaint handling colleague is required to inform the complainant of the availability of the Complaint Handling Procedure and the option of making an entry in the Book of Complaints. If the complaint refers to the same facts, made at different times, received in different channels have to be recorded in the complaint register.

#### **A) Preparing a minute**

If it is not possible to investigate the complaint immediately or the person acting on behalf of the complainant disagrees with the management of the complaint, the employee handling the complaint prepares a minute on the complaint. For personally submitted verbal complaints, the employee handling the complaint gives a copy of the minute and a copy of the Complaint Handling Procedure prepared on the basis of KELER Group's Complaint Handling Regulation, available in the Front Office open to clients, to the complainant, if the complaint is made by phone, it is sent to the Client jointly with the response letter including justification, otherwise the provisions on written complaints have to be followed. If a complaint is handled on the phone, the KELER Group records the phone communication with the client and retains the recording for 5 years. If the verbal complaint is made on the phone, the recorded call must be made available for listening at the request of the complainant, and, in line with the request, the certified minutes of the voice recording or a copy of the voice recording must be made available, free of charge, within 25 days. The complainant is to be informed on the above possibilities at the start of the phone conversation.

The employee handling the complaint sends to the complainant the response letter with justification including the point of view of the KELER Group within 30 days of making the complaint or *within 15 working days in the case of a complaint concerning banking type auxiliary services subject to CSDR or 15 working days in the case of a complaint concerning system accession, participation in the system, termination of system membership or the termination conditions as regulated in MNB Decree no. 10/2009 (II.27)*, with a copy of the minutes made on the complaint, if it has not been sent at the request of the complainant before the date of sending the response letter.

In every other aspect the employee handling the complaint acts in line with the general rules.

#### **B) Minutes content:**

- names of complainant and the person acting on behalf of the complainant, if different;
- registered offices, addresses, if necessary mailing addresses of the complainant;
- place, time, method of making the complaint;

- detailed description of the complaint, including the separate description of objections (elements of complaint), in order to investigate fully all objections;
- contract number, transaction number involved in the complaint;
- list of documents and other evidence presented by the person acting on behalf of the complainant;
- signatures of the person preparing the minutes and the person acting on behalf of the complainant - except for complaints made by phone;
- place, time of taking the minutes and
- name of the organisational unit involved in the complaint.

### **Further regulations for handling complaints received via telephone**

When a complaint is received on the phone, the KELER Group ensures that the call is taken and administration is started within a reasonable waiting time.

When a verbal complaint is made on the phone, the client service colleague is required to act reasonably under the circumstances to ensure taking the call within five minutes of the start of the successful call.

When a complaint is received by phone, all KELER Group employees are required to act as follows:

- If a complainant wishes to make a complaint on the phone, the KELER Group employee taking the call is required to inform the complainant that the complaint can be made in two ways to ensure legal compliance:
  - either the complaint is sent to the KELER Group in writing, to one of the addresses,
  - or the complaint is made verbally, by calling the KELER Group complaint handling employees' phone number, (for this all employee needs to put the complainant through to the complaint handling employee of the concerned organisational unit or needs to provide the direct phone number of the complaint handling employee of the concerned organisational unit).
  - Prior to taking the complaint, the complaint handling employees inform the complainant on the availability of the Complaint Handling Procedure made based on the KELER Group Complaint Handling Regulation describing in detail the KELER Group complaint handling process ([https://www.keler.hu/Key\\_documents/Regulatory\\_documents/Extract\\_of\\_the\\_Complaint\\_Handling\\_Regulation\\_of\\_KELER\\_Group/](https://www.keler.hu/Key_documents/Regulatory_documents/Extract_of_the_Complaint_Handling_Regulation_of_KELER_Group/) and [https://www.kelerkszf.hu/Key\\_documents/Regulatory\\_documents/Extract\\_of\\_the\\_Complaint\\_Handling\\_Regulation\\_of\\_KELER\\_Group /](https://www.kelerkszf.hu/Key_documents/Regulatory_documents/Extract_of_the_Complaint_Handling_Regulation_of_KELER_Group/)).
  - The complaint handling colleagues provide clear, professional and relevant information to the clients on the complaint handling process.
  - If the complaint handling colleague of a unit is expected to be unavailable for at least one business day, s/he informs the colleague substituting him/her in email. After its return, the complaint handling colleague is responsible for handling the complaint received.
  - The call made by the complainant and received by the complaint handling colleague is recorded automatically. The call is recorded on the phone number of the unit that is designated for this purpose.



- If the complaint handling employee is of the view that the involvement of the Client Service Department is necessary for the handling of the complaint, it can request the assistance, involvement of the Client Relations Department related to the operative tasks of the complaint handling process.
- Once the complaint is resolved, the complaint handling employee closes the complaint in the uniform intranet register.

If the complaint is made verbally by phone, at the beginning of the conversation the complainant is to be reminded that the complaint call is recorded and the identification data of the recorded call and the time of retention of the recording must be stated. The recordings of complaints made on the phone must be kept for 5 years.

Once the verbal complaint is taken, the KELER Group informs the client on the contact details of the organizational unit handling the complaint.

In every other aspect the employee handling the complaint acts in line with the general rules.

### **Complaint management related obligation to give information**

If the complaint is rejected or the period of 30 days (or *15 working days in the case of a complaint concerning banking type auxiliary services subject to CSDR or 15 working days in the case of a complaint concerning system accession, participation in the system, termination of system membership or the termination conditions as regulated in MNB Decree no. 10/2009 (II.27)*) to investigate and give response to the complaint stated in the regulation is over without any result, the person acting on behalf of the complainant is required to be informed that it can bring the case to court, in line with the code of civil procedure, in the case of legal dispute related to the creation, validity, legal effects and termination of the contract, breach of contract and related legal effects.

### **Method to record the complaint**

In case of a complaint the person responsible for complaint handling and the organizational unit responsible for replying shall inform the Client Service and they are required to record the details of the complaint and the process of resolution in KELER Group's complaint handling register operated by KELER, and record the data stated in KELER Group Complaint Handling Regulation.

The responsible organisational unit is required to keep any correspondence (electronic and on paper) and other documentation containing the information detailed in the reply for the given issue for a period of 10 years from the termination of the business relationship and shall present it to the Supervisory Authority if requested and hand over the copies (copy of the hard copy complaint, or sending the email in the case of emails) to the Client Service.

### **Process applicable to other requests**

If an issue presented by the person acting on behalf of the complainant is not considered a complaint, nor an IT incident, or the KELER Group has no competence to respond to it, following a consultation with the Legal Department, the complaint handling colleague informs the complainant as necessary on any available claim enforcement method and the body or organization that has competence and jurisdiction.

The units receiving customer communication concerning personal data forward the queries made to the Data Protection Officer, with copy sent to [ugyfelszolgalat@keler.hu](mailto:ugyfelszolgalat@keler.hu), including the email address.

The Data Protection Officer makes a recommendation to Client Service and the competent area (including KELER CCP also) on the response to be given, based on which Client Service finalizes the response to be given, and sends it for confirmation to the Data Protection Officer and Legal Department.

The request of the data subject concerning the processing of personal data in line with Infotv. where the request is aimed at the exercising of the data subject rights, shall be handled within the shortest period possible but within twenty-five days at the most by the KELER Group and inform the data subject on the decision in writing or if the request was filed electronically, then the information shall be provided also electronically and these requests shall not be handled as complaints as long as the Client does not object to the data processing.

Client Service Department and the KELER Data Protection Officer register queries made related to personal data, record them in a separate table in the KELER Group complaint handling register (KELER Intranet/Dokumentumtár/Központi tudásbázis/KELER\_KELER KSZF Központi panasznyilvántartás), and flags queries related to which the client does not accept, makes objection to the response given by KELER / KELER CCP, and thus the contact, correspondence made related to personal data become official complaint.

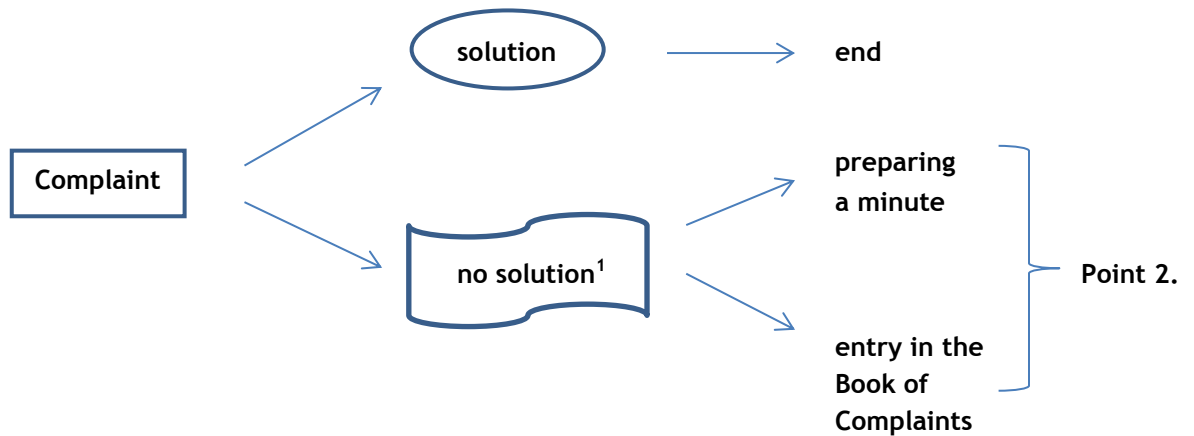
The unit involved is required to retain the correspondence (electronic and printed) and other document concerning the complaints, the query related to personal data, and the response for 10 years, store them in the appropriate folder of the KELER Group Intranet/Központi dokumentumtár/Központi tudásbázis/Panasznyilvántartás (for printed correspondence the scanned version is kept on the Intranet, and the original copy is retained by the unit in charge).

## Complaint Handling Process

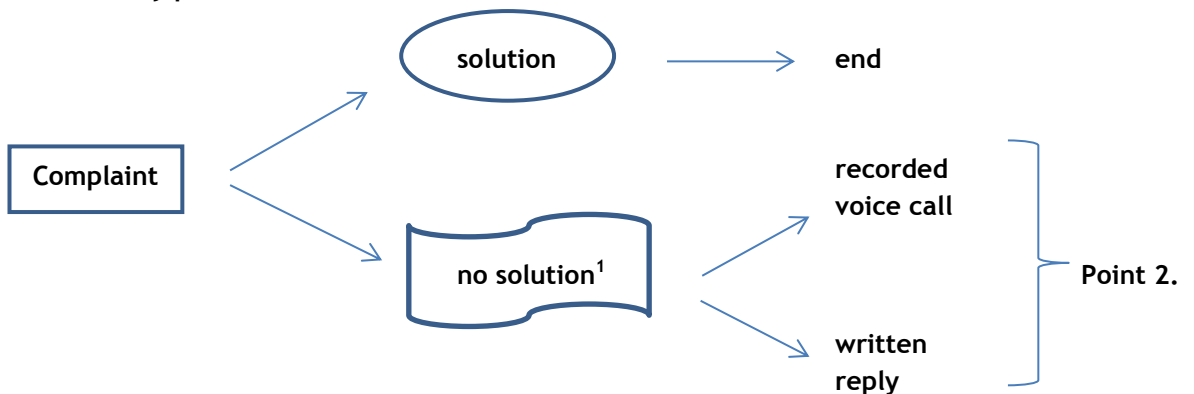
### I. From the point of view of the complainant (external process)

#### 1. Verbal complaint

##### a) submitted in person



##### b) submitted by phone



#### 2. Written complaint



**(Response information)**

(within 30 calendar days from the receipt or within 15 working days in the case of a complaint concerning banking type auxiliary services subject to CSDR or 15 working days in the case of a complaint concerning system accession, participation in the system, termination of system membership or the termination conditions as regulated in MNB Decree no. 10/2009 (II.27).)

<sup>1</sup> Or the person acting on behalf of the complainant does not agree with the proposed solution.

## II. From the point of view of the KELER Group (internal process)



- complaint handling employee
- Client Service
- Legal Department

Client Service is to be informed on internal correspondence. **(Response information)**<sup>•</sup>

(within 30 calendar days from the receipt or within 15 working days in the case of a complaint concerning banking type auxiliary services subject to CSDR or 15 working days in the case of a complaint concerning system accession, participation in the system, termination of system membership or the termination conditions as regulated in MNB Decree no. 10/2009 (II.27).)

<sup>2</sup> Complaint handling employee in complaint handling register.

<sup>•</sup> Obligation to give information (see Complaint Handling Procedure Points 3.2.2., 3.2.3. and 3.3.).