

Policy Document Title:	UK Privacy Statement Policy
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Key Policy Criteria:	<p>This policy sets out how we handle and manage customers data and provides details on what we use our customers data for when assessing credit applications and servicing our term loans.</p> <p>As we have strict legal requirements in respect of complying with legislation which seeks to protect the collection, usage and storage of personal data, we treat personal data with the utmost respect to its confidentiality and safe storage, and our strict legal requirements.</p> <p>From time to time, we may share personal customer data with third parties in respect of underwriting credit risk and collecting loan balances, so we ensure that we only deal with reputable third parties who collect, assess and store personal data in full compliance of all relevant legislation.</p> <p>This policy also sets how we will store personal data and how long for, to ensure we meet with the highest possible standards in this regard. Furthermore, the policy sets out the customer's rights in respect of their data.</p> <p>Our Privacy Statement is published on our website and can be found here: https://www.swishfund.co.uk/wp-content/uploads/2018/08/180717-Privacy-Statement-Swishfund-UK-Limited.pdf</p>

1. POLICY STATEMENT

- 1.1 Swishfund Limited is committed to collecting, analysing, sharing and storing data in an open and ethical manner and we strive to maintain the highest standards for our customers when handling customers personal data.
- 1.2 We seek to provide our customers with clear information in simple, straight forward language on how we treat their personal data, and this information is clearly displayed and easily accessible via our website home page: <https://www.swishfund.co.uk/wp-content/uploads/2018/08/180717-Privacy-Statement-Swishfund-UK-Limited.pdf>
- 1.3 The purpose of this policy is to set out our privacy statement for UK customers applying for credit through our UK website, our responsibilities to our customers when applying for credit and what level of service our customers can expect to receive from us when handling, treating and storing their personal data.

2. WHO IS THE DATA CONTROLLER?

- 2.1 Swishfund Ltd is the controller and responsible for your personal data (collectively referred to as "Swishfund", "we", "us" or "our" in this privacy policy.
- 2.2 Our registered office is Suite A50.2, 56 Wood Lane, London W12 7SB.
- 2.3 Our company number is 11180668.
- 2.4 Our website can be found at: www.swishfund.co.uk
- 2.5 We are registered with the UK's Information Commissioner's Office, with registration number ZA324089.

- 2.6 We have appointed a data protection officer (**DPO**) who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the DPO either by writing to us at Suite A50.2, 56 Wood Lane, London W12 7SB or by email to info@swishfund.co.uk.

3. WHAT IS PERSONAL DATA

Personal data, or personal information, means any information about an individual from which that person can be identified.

4. WHY WE USE CUSTOMERS PERSONAL INFORMATION

- 4.1 We use customers personal information for a variety of reasons related to our business activities, including but not limited to:
- 4.1.1 processing an application for credit;
 - 4.1.2 ascertaining a customer's borrowing needs;
 - 4.1.3 to make credit related decisions;
 - 4.1.4 verifying a customer's identity;
 - 4.1.5 the administration and preparation of loan agreement and guarantees,
 - 4.1.6 contacting customers to discuss their application and/or account;
 - 4.1.7 transfer money;
 - 4.1.8 trace your whereabouts and recover debts or enforce a loan contract or personal guarantee;
 - 4.1.9 contact customers who have consented to receiving electronic marketing from with products and services which we they may be interested in; and
 - 4.1.10 comply with our legal and regulatory obligations.

5. HOW WE COLLECT PERSONAL DATA AND WHAT WE COLLECT

- 5.1 We use different methods to collect data from and about customers including through:
- 5.1.1 **Direct interactions.** Customers may give us identity, contact and financial data such as personal details (including their date of birth), directorships and shareholdings. This includes personal data provided by customers when they:
- apply for our products or services;
 - create an account on our website;
 - request marketing to be sent;
 - give us feedback or contact us, including call recordings when they speak to us over the telephone
 - information about the customers use of our website and; and
- 5.1.2 **Third parties or publicly available sources.** We will receive personal data about you from various third parties and public sources as set out below:
- Companies House;
 - Credit Reference Agencies (CRAs), Fraud Prevention Agencies (FPAs) and tracing agents
 - Electoral Register
 - Record of County Court Judgments
 - Bankruptcy and Insolvency data;
 - Financial Brokers
- 5.2 In addition, when a customer visits our website, we will collect information about their visit, such as which pages they visited, how often they visit and any enquiry forms or similar interactive content they complete.
- 5.3 We will also automatically collect the following information:

- 5.3.1 technical information, including the Internet protocol (IP) address used to connect the customers device to the internet, their login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform; and
 - 5.3.2 information about the customers visit, including the full Uniform Resource Locators (URL) clickstream to, through and from our sites (including date and time); products you viewed or searched for; page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page.
- 5.4 The customer can exercise control over some of this information, for example by adjusting their settings via their website browser. Please also see our cookies policy at [\[INSERT HYPERLINK\]](#).

6. THE LEGAL BASIS FOR PROCESSING PERSONAL DATA

- 6.1 In most cases our use of customer information is necessary and is carried out on the following legal grounds:
- 6.1.1 for the performance of a contract with a customer (such as the Company's loan agreement or a personal guarantee they have provided);
 - 6.1.2 where necessary for our legitimate business interests (such as the administration of our business and managing our risks, and the provision, management and improvement of our website, to make sure it is working properly); and
 - 6.1.3 where necessary in order to comply with a legal obligation (for example making reports to our regulatory authority or to law enforcement agencies).
- 6.2 Where our use of customer data is not necessary for one of the purposes outlined above, we may seek the customer's consent to use it in a particular way, for example if we want to send the customer marketing information, ask them to provide feedback or they tell us about a change in their circumstances.
- 6.3 Where we ask for a customer's consent, the customer may refuse and can withdraw their consent at any time, by contacting us on the details set out below in paragraph 13.

7. WHEN MIGHT WE COLLECT AND USE SENSITIVE INFORMATION ABOUT OUR CUSTOMERS?

- 7.1 We always seek to be responsive to our customers individual needs. Sometimes a customer may disclose some types of information to us which are classed as sensitive under the law. A common example of this is information about the customers mental or physical health. Please see Chapter 10, Vulnerable Persons, within our Collections Policy.
- 7.2 We will ask the customer for their consent to record this information. Not agreeing to us recording this information may impact on our ability to make adjustments to their circumstances.
- 7.3 We collect this information so that we can treat our customers fairly and according to their needs and rights.
- 7.4 Further information in respect of the data we collect from credit agencies can be found at Appendix 1.

8. WHO DO WE SHARE CUSTOMER INFORMATION WITH?

- 8.1 We may share our customers information with:
- 8.1.1 the broker who introduced the customer;
 - 8.1.2 third party service providers, such as tracing agents, our legal advisors and our website support;
 - 8.1.3 CRAs and FPAs to which we may report positive, delinquent and default data about a customers account(s) on a regular (minimum monthly) basis;

- 8.1.4** law enforcement agencies or regulatory bodies where we are required to do so;
 - 8.1.5** other members of our group of companies, including our parent company in the Netherlands which provides us with certain customer service, business administration and website support;
 - 8.1.6** any purchaser or proposed purchaser of all or part of the same or their assets, together with their professional advisors;
 - 8.1.7** the customer or the customers third-party representatives (in line with the customers rights);
 - 8.1.8** any person or persons seeking to acquire all or part of our business and/or assets and any potential assignees of the customers credit agreement, along with their third-party advisors; or
 - 8.1.9** we believe, in good faith, that it is necessary to protect our rights, property, safety or reputation or the rights, property, safety or reputation of any of our clients or partners.
- 8.2 Records remain on file with CRAs and FPAs for 6 years after they are closed, whether settled by the customer or defaulted. This information may be supplied to other organisations which search the customers credit record.
- 8.3 More information about CRAs and how they use personal information is available at www.experian.co.uk/crain/index.html in a document called the Credit Reference Agency Information Notice (also known as the "CRAIN").
- 8.4 The customer can also contact the agencies, using the below contact details:
- 8.4.1** Callcredit - Consumer Services Team, PO Box 491, Leeds, LS3 1WZ Tel: 0330 024 7579 or visit www.callcredit.co.uk
 - 8.4.2** Experian - Consumer Help Service, PO Box 8000, Nottingham, NG80 7WF Tel: 0870 241 6212 or visit www.experian.co.uk
- 8.5 The personal information we have collected from the customer may be shared by CRAs with FPAs who will use it to prevent fraud and money-laundering and to verify the customers identity.
- 8.6 If fraud is detected, the customer could be refused certain services, finance or employment. Further details of how customers information will be used by us and these fraud prevention agencies, and the customers data protection rights, can be found in the CRAIN. Please see Appendix 1 for further details.

9. WHERE IS YOUR INFORMATION STORED?

The information we collect about the customer will be held on our secure servers within the European Economic Area (the EEA) and will not be transferred or stored outside the EEA.

10. DATA SECURITY

- 10.1 We implement appropriate technical and organisational measures to protect the security of customers information and to prevent unauthorised access, including encryption, fire walls, data back-ups, policies and procedures, access protocols, etc.
- 10.2 Unfortunately, transmission of information via the internet may never be completely secure and the customer is encouraged to ensure when using our website, as with any other online services, that they have appropriate protections in place (such as anti-virus software and an up-to-date web-browser).
- 10.3 We never ask for payment details (such as the customers account or card number) via email so if a customer receive a suspicious email purporting to be from us, they are strongly encouraged to make contact via email to info@swisfund.co.uk, or by phoning 0333 006 2333.

- 10.4 A customer's use of our website is subject to our website's terms of use which are available on our website homepage: www.swishfund.co.uk/wp-content/uploads/2019/02/180717-Terms-And-Conditions-Website-Swishfund-UK-1.pdf.

11. HOW LONG WILL THE CUSTOMERS INFORMATION BE KEPT ON FILE?

- 11.1 We keep customer information for as long as it is needed to provide customers with the services they have requested and, to the extent it is necessary for the protection of our legitimate interests (the management of legal risks and administration of our business), for six years from the end of their credit agreement with us (if they take out a loan).
- 11.2 Where customers partially complete an application or have an application declined, we will keep their information for up to six years, so they can continue with the application at a later date, should they choose to do so.
- 11.3 In some certain circumstances customers may ask us to delete their data. Please see Customers Rights below.

12. CUSTOMERS RIGHTS

- 12.1 Customers have the following rights:
- 12.1.1 **Right of access:** They have a right to access the personal information we hold about themselves and be told why we use it.
 - 12.1.2 **Right of rectification:** They can ask us to correct or update their information to ensure it is accurate and complete.
 - 12.1.3 **Right to erasure and right to restrict processing:** They can ask us to stop processing and to delete their data in certain circumstances (for example where it is processed with their consent, or it is no longer necessary for us to process it).
 - 12.1.4 **Right to data portability:** They have a right to ask us to provide them with information in a form that suits them, and/or to provide their information to a third party.
 - 12.1.5 **Right to object:** They have a right to object to our processing of their personal information.
 - 12.1.6 **Rights relating to profiling and automated decisions:** They have a right not to be subject to automated decisions which have a legal effect and to be protected by safeguards in respect of any profiling.
 - 12.1.7 **Right to object to direct marketing:** Where they are an individual and have consented to receive direct marketing, they can change their mind at any time by contacting us or following the directions in each message.
 - 12.1.8 **Rights in relation to CRAs:** They have a right to be told which CRAs we have used and obtain a copy of their file from CRAs.
- 12.2 Customers can exercise their above rights by contacting us directly via the information displayed on our website.
- 12.3 You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.
- 12.4 We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.
- 12.5 Further information is also available from the ICO's website: www.ico.org.uk.

13. CONTACT AND COMPLAINTS

- 13.1 If a customer has a question, wishes to exercise their rights or make a complaint about our use of their information, they should be encouraged to do so, and can contact us using the details above, or by sending an email to complaints@swishfund.co.uk.
- 13.2 Customers can also make a complaint to the ICO at the following: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, by telephone on 0303 123 1113 or via their website: www.ico.org.uk.

14. AUTOMATED DECISION MAKING

We use automated decision-making and profiling techniques to automate decline applications.

15. UPDATES

- 15.1 Updates to this policy are published to this page on our website from time to time.
- 15.2 Where appropriate, we may also send updates by email.

APPENDIX 1 – CREDIT AGENCIES

- 1.1 In order to process a business's application for credit, we will perform credit and identity checks on the customer with one or more credit reference agencies ("CRAs").
- 1.2 To do this, we will supply the customers personal information to CRAs and they will give us information about the customer. This will include information from the customer's credit application and about their financial situation and financial history. CRAs will supply to us both public (including the electoral register) and shared credit, financial situation and financial history information and fraud prevention information.
- 1.3 We will use this information to:
 - 1.3.1 Assess the customer's creditworthiness and whether they can afford to take the product;
 - 1.3.2 Verify the accuracy of the data they have provided to us;
 - 1.3.3 Prevent criminal activity, fraud and money laundering;
 - 1.3.4 Manage the customer's account(s);
 - 1.3.5 Trace and recover debts; and
 - 1.3.6 Ensure any offers provided to the customer are appropriate to their circumstances.
- 1.4 We will continue to exchange information about the customer with CRAs whilst the customer has a relationship with us.
- 1.5 We will also inform the CRAs about customers settled accounts.
- 1.6 If a customer receives credit from us and does not repay in full and on time, CRAs will record the outstanding debt. This information may be supplied to other organisations by CRAs.
- 1.7 When CRAs receive a search from us they will place a search footprint on the customer's credit file that may be seen by other lenders.

The identities of the CRAs, their role also as fraud prevention agencies, the data they hold, the ways in which they use and share personal information, data retention periods and a customers data protection rights with the CRAs are explained in more detail in the CRAIN (see the links in our Privacy Notice).

THE CRAIN is also accessible from each of these:

- Call Credit: www.callcredit.co.uk/crain
- Experian: www.experian.co.uk/crain