

Privacy Notice and Privacy Policy

Privacy Notice

We ask that you read this Privacy Notice carefully as it contains important information about

- i) who we are,
- ii) how and why we collect, store, use and share your personal information,
- iii) your rights in relation to your personal information and
- iv) how to contact us (and the relevant supervisory authorities) if you have a complaint.

1. Introduction

We Gate Capital Group Limited, may collect, use and are responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation (“GDPR”) which applies across the European Union and the United Kingdom and under any local legislation which implements or supplements the GDPR (including, in the UK, the Data Protection Act 2018) and we are responsible as “controller” of that personal information for the purposes of those laws.

We are committed to the protection of your privacy, and you can find out more about your privacy rights and how we gather, use, and share your personal information (being the personal information we already hold about you and the further personal information we might collect about you, either from you or from a third party) in this Privacy Notice.

How we use your personal information will depend on

- i) our relationship with you,
- ii) on the products and services we provide to you (or to any company or limited liability partnership of which you are a corporate officer, owner, member, or partner or in connection with which you have agreed to act as surety, guarantor, or warrantor (each, a “Key Individual”).

We have appropriate security measures to prevent personal information from being accidentally lost or used or accessed unlawfully. We limit access to your personal information to those who have a genuine business need to access it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any data security breach. We will notify you and any applicable regulator of a data security breach where we are legally required to do so.

Our Data Protection Officer (“DPO”) provides us with help and guidance to ensure we apply the best standards to protecting your personal information. If you have any questions about how we use your personal information you can contact our DPO by email at neil@gatecapitalgroup.com or by post sent to The Data Protection Officer, Gate Capital Group Ltd, 71 -75 Shelton Street, Covent Garden, London WC2H 9JQ.

See section 2 (Your privacy rights) for more information about your rights and how our DPO can help you.

This Privacy Notice provides up to date information about how we use your personal information and updates any previous information we have given you about our use of your personal information.

We will update this Privacy Notice if we make any significant changes affecting how we use your personal information and we will contact you to let you know about the changes.

2. Your privacy rights

Under the GDPR you have several important rights which you can exercise, free of charge. In summary, those include rights to:

- object, in certain circumstances, to how we use your personal information. If you wish to exercise this right, please contact our DPO, providing details of your objection;
- request access to a copy of your personal information which we hold, along with details of what personal information we use, why we use it, who we share it with, how long we keep it for and whether it has been used for any automated decision making. You can make a request for access by contacting our DPO directly or by making a request verbally or in writing to any Gate Capital Group office.
- ask us to correct inaccuracies, to complete any incomplete personal information, to delete or restrict personal information or to ask for some of your personal information to be provided to someone else;
- withdraw your consent (if you have given us your consent to use your personal information) and update your marketing preferences by contacting us directly on +44 (0) 207 078 8085;
- ask us to delete your personal information where it is no longer necessary for us to use it, where you have withdrawn consent, or where we have no lawful basis for keeping it;
- ask us to provide you or a third party with some of the personal information that we hold about you in a structured, commonly used, electronic form, so it can be easily transferred; and
- ask us to restrict the personal information we use about you where you have asked for it to be erased or where you have objected to our use of it.

For further information in relation to these rights, including the circumstances in which they apply, please see the guidance from the UK Information Commissioner's Office ("ICO") on individuals' rights under the GDPR (<https://ico.org.uk>).

You can also make a complaint to the ICO at (<https://ico.org.uk>). For further information about exercising any of your rights in this Privacy Notice please contact our DPO using the details contained in section 1 (Introduction).

3. What categories of personal information do we use?

We use a variety of personal information depending on the products and services we provide to you. For most products and services which we provide to you we need your name, address, date of birth, contact details (including email address and phone numbers), any other information to allow us to check your identity (including a copy of your identification documents (such as a passport or driving licence)) and information about your credit history.

For some products and services, we may need to use additional personal information which we will gather about you – without this we will not be able to provide any of those products and services to you. For example, we may need additional financial information (which may include your income,

expenditure, assets and liabilities, credit history and credit scoring), employment details, details of any criminal prosecutions and details of bankruptcy or any County Court Judgements. This information will be used for example, to help us in fraud prevention and anti-money laundering and to meet our own legal obligations.

If your personal information is needed by us to enter a contract with you or to meet a legal obligation, we will not be able to provide some products or services without that personal information. We will notify you if this is the case.

4. How do we gather your personal information

We obtain personal information about you:

- directly from you, for example when you visit our offices and fill your details in to our visitors' book or where you fill out an application or information gathered during any conversations with us (including recorded telephone calls) or from written/electronic exchanges with us;
- by observing how you use our products and services;
- from other organisations such as credit reference and fraud prevention and watchlist agencies;
- from third party intermediaries and introducers;
- from other people who know you including people you are linked to financially.

We may also obtain some personal information from monitoring or recording calls. We may record or monitor phone calls with you for regulatory purposes, for training purposes, to ensure and improve quality of service delivery, to ensure the safety of our staff and customers, for other security purposes and to resolve queries or issues. Such recordings belong to us.

5. How we use your personal information

For most products and services which we make available to you, we need your name, address, date of birth, contact details (including email address and phone numbers), any other information to allow us to check your identity (including a copy of your identification documents (such as a passport or driving licence)) and information about your credit history. Further details of the categories of personal information which we need about you are provided in section 3 above.

We sometimes need to gather, use, and share additional personal information for specific purposes, which are set out in more detail below. We will only do this where we have a lawful basis to do so. Please see section 7 below for further details of our lawful basis for using your personal information.

To administer payments to you or from you (or otherwise for our account in respect of any services or products we make available to you), we will use:

- a) your contact details and the payment details that you have provided to us; and
- b) your location data to enable us to verify locations at which payments are made for fraud prevention purposes.

We may give this information to our third-party payment providers to process payments to or from you or otherwise in respect of payments being made to us. We use your details in this way because it is necessary to perform our contract with you where you are our client or, where you are the

debtor of our client, using your personal information in this way is in our legitimate interests to collect debts due to us.

To comply with our legal obligations, to prevent financial crime including fraud and money laundering we will use:

- a) any information you have given us, that we have obtained from a third party, or that we have obtained by looking at how you use our services, where it is necessary for us to use that information to comply with a legal obligation; and
- b) this information will include name, address, date of birth, every country of residence/citizenship, personal identification (which may include passport number or driving license number) your IP address, and information about any criminal convictions.

We will give information to and receive information from third parties where that is necessary to meet our legal obligations, including credit reference agencies, fraud prevention agencies, the police and other law enforcement and government agencies, banks, and regulators. Fraud prevention agencies may use your information as set out above.

For financial management and debt recovery purposes, we will use your contact details and information we obtain from looking at how you have used our services.

We will give information to and receive information from third parties where that is necessary to recover debts due by you or your customers to us, for example, other funders, debt recovery agents, insolvency practitioners, our legal advisers, credit reference agencies and sheriff officer or bailiff services.

We use your information in this way because it is necessary to perform our contract with you, to exercise our legal rights, and because it is fair and reasonable for us to do so.

To carry out market research and analysis to develop and improve our products and services we will use information about how you have used our products and services. We use your information in this way because it is in our interests to do so for the purpose outlined above.

We may pass your personal information to market research companies and other service providers as required.

To market products and services to you, we will use:

- a) the contact details you have provided to us; and
- b) information we have gathered from your use of our other products and services to form a profile of you which we will use to assess what other products and services would be most beneficial for you.

We will pass your personal information to our service providers who help us with these marketing activities.

We might also receive personal information about you from a third party and use it to market our products and services to you, where you have given that third party your consent to share the personal information with us (or have otherwise requested them to do this) or where that third party otherwise has a lawful basis for sharing that personal information with us. We may collect your

name and address from other service providers for the purpose of providing suitable marketing to you.

To facilitate introductions from, and to enable introducer fee payments to be made to, third parties, we will give information to and receive information from third party independent financial advisers and brokers. In doing this we will use:

- a) information about the general nature of our products and services; and
- b) information about the value of those products and services (where we have made them available to you).

We use your information in this way because it is in our interests to have relationships with third party introducers to expand our business and to allow us to provide you with the products and services that best suit you.

To make introductions to third party financial advisers and brokers or third-party funders we will use:

- a) your contact details; and
- b) information in relation to the products and services which we believe you are seeking, or which may be best suited to you.

We use your information in this way where you have either given your consent to this or have otherwise requested us to do this.

For security and administrative purposes, we will use information (which would usually include your name, details of your organisation and your vehicle registration number) which you may insert into our visitors' books when you visit our premises.

This information is needed to assist us to verify your identity and to help administer appointments which you have with us. The information will also help us to determine who is within our premises, in the case of an emergency. Your vehicle registration details can help us to identify and locate you whilst you're visiting our premises, should there be a problem connected to your vehicle.

In completing our documents, we will use the following information of any individuals who witness any signatures on any of our documents:

- a) contact information; and
- b) occupation details

This information is required to make it easier to identify and trace a witness in case any questions arise in the future concerning the execution of our documents. Each party to our documents will be provided with a fully signed copy of them.

6. Automated decision making

Sometimes we use your personal information in automated processes to make decisions about you. As an example, we want you to get the most relevant information about our products and services at the right time. The most effective way for us to do this is to use automated processes to create a profile of you for marketing. To carry out marketing profiling we use information (which may have been obtained from you, obtained from credit reference agencies, extracted by us based on how you

have used other products and services provided by us (including your credit history with us), arising from any feedback which you have provided to us or obtained from other external data sources) to create a profile of you.

7. Our lawful basis for using your personal information

We only use your personal information where we have a lawful basis to do so. This could include where:

- a) we have your consent;
- b) we need to use the information to comply with our legal obligations;
- c) we need to use the information to perform a contract with you or to take steps at your request before a contract is entered into.

Where we have your consent, you have the right to withdraw it. We will let you know how to do that at the time we gather your consent. See section 11 (Keeping you up to date) for details about how to withdraw your consent to marketing.

Data protection laws give special protection to particularly sensitive personal information, also known as special category data. This includes information about your health status, racial or ethnic origin, political views, religious or similar beliefs, sex life or sexual orientation, genetic or biometric identifiers, trade union membership or criminal convictions or allegations. We will only use this kind of personal information where:

- a) we have a legal obligation to do so (for example to protect vulnerable people or where information about your health status impacts on our decision as to whether to fully enforce our rights under any of our documents and we are asked to disclose the rationale behind that decision to a person carrying out an official function);
- b) it is necessary for us to do so to protect your vital interests (for example if you have a severe and immediate medical need whilst on our premises);
- c) it is in the substantial public interest;
- d) it is necessary for the prevention or detection of crime;
- e) it is necessary for insurance purposes; or
- f) you have specifically given us explicit consent to use the information.

8. Sharing your personal information

We may share personal information with other third parties where we need to do that to provide products and services to you, to market products and services to you, to meet or enforce a legal obligation or where it is fair and reasonable for us to do so. We will only share your personal information to the extent needed for those purposes.

Who we share your personal information with depends on the products and services we provide to you and the purposes we use your personal information for. For most products and services we will share your personal information with our own service providers such as our IT suppliers, with credit reference agencies and with fraud prevention agencies. We may also share your information with others such as third parties approved by you, external contractors, suppliers, consultants, third party agencies and representatives, our professional advisers and, in some cases, our own funders and their representatives. If practical these recipients of the information will be bound by confidentiality obligations. We may also be required to share some personal information with the Government or any industry regulators (where we are required to do so by law or to assist with their investigations

or initiatives), such as the Financial Conduct Authority, HMRC, the Home Office, the Information Commissioners Office or the courts, or with the police, law enforcement or security services (to assist with the investigation and prevention of crime and the protection of national security). See section 5 (How we use your personal information) for more information about who we share your personal information with and why.

Most of the time the personal information we have about you is information you have given to us or gathered by us while providing products and services to you. We also sometimes gather personal information from third parties for example where necessary for credit checking and fraud prevention or for marketing purposes (to enable you to receive details of relevant products from us). See section 5 (How we use your personal information) for more information about who we receive your personal information from and why.

9. Transfers of information outside the European Economic Area (“EEA”) & United Kingdom (UK)

We may need to transfer your personal information outside of the EEA or the UK, for instance to other service providers, agents, subcontractors, and regulatory authorities in countries where data protection laws may not provide the same level of protection as those in the EEA & UK.

We will only transfer your personal information outside the EEA & UK where either

- i) the transfer is to a country which ensures an adequate level of protection for your personal information (as determined by the European Commission or UK data protection authorities) or
- ii) we have put in place measures to ensure adequate security for your personal information (in accordance with Article 46 of the GDPR). These measures include ensuring that your personal information is kept safe by carrying out strict security checks on our overseas partners and suppliers, backed by strong contractual undertakings such as the EU style model clauses.

Please contact our DPO whose details are set out above to find out more about the safeguards we employ when transferring personal data outside of the EEA & UK.

10. How long we keep your personal information for?

How long we keep your personal information for depends on the products and services we deliver to you. We keep your personal information for so long as you have a relationship with us but will never retain your personal information for any longer than is necessary for the purposes we need to use it for.

We generally keep the personal information we use for at least seven years after the end of any facility which we make available to you or from the date you last used one of our services. Where the documentation relating to any facility made available to you consists of documents signed as deeds, then we may keep them alongside personal information relating to those documents for twelve years after termination of those documents. In some circumstances we will hold personal information for longer than stated above where we believe that this is necessary for active or potential legal proceedings or to resolve or defend claims.

Please contact our DPO whose details are set out above if you want to find out more about how long we'll retain your personal information.

11. Keeping you up to date

We will communicate with you about products and services we are delivering using any contact details you have given to us - for example by post, email, text message, social media, or website.

In most cases we do not need your consent to market to you. Instead, we'll usually be relying on legitimate interests as our lawful basis to market to you. If (for whatever reason) we cannot rely on legitimate interests and, instead, we seek and obtain your consent to be able to market to you, you can withdraw that consent by contacting us directly on 0800 919592. You can also contact us on that number if you'd like to update your marketing preferences.

12. Use of cookies

We use cookies to track your use of our website. For further information on our use of cookies please see our Cookie Policy available [here](#).

13. Do you need extra help?

Please contact our DPO whose details are set out above or if you would like this Privacy Notice in large print.

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