

WHO WE ARE

Underbanks Commercial Finance Limited (company number: **13537968**) which is an independent Commercial Finance Broker based at Profolk, Bank Chambers, Stockport, SK1 1AR. We act as a broker for our customers. Underbanks Commercial Finance Limited is an appointed representative of AFS Compliance Ltd which is Authorised and Regulated by the Financial Conduct Authority. FRN 625035.

WHAT IS THE PURPOSE OF THIS DOCUMENT?

Underbanks Commercial Finance Limited is the controller and responsible for your personal data (collectively referred to as "Underbanks Commercial Finance Limited", "we", "us" or "our" in this privacy notice). This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

CHANGES TO THE PRIVACY NOTICE AND YOUR DUTY TO INFORM US OF CHANGES

The data protection law in the UK changed on 25 May 2018. This privacy notice sets out your rights under the new laws.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- Identity data: includes first name, maiden name, last name, marital status, title, date of birth, gender, passport (copy), driving licence (copy) and utility bills (copy)
- Contact Data: includes residential address, billing address, email address and telephone numbers

- Financial Data: includes bank details, details of you income and outgoings, net worth statements
- Transaction Data: includes [details about payments to and from you and other details of products and services you have purchased from us]
- Marketing and Communications Data: includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We may also collect, store and use the following “Special Categories” of more sensitive personal information:

- Information about your health, including medical conditions, particularly where you are classified as a vulnerable individual as a result of your medical condition.

We also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your location data to calculate the percentage of customers accessing our services in a given geographical location. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

IF YOU FAIL TO PROVIDE PERSONAL DATA

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel service you have with us but we will notify you if this is the case at the time.

HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you :
 - apply for our services either directly or via our web page;
 - request marketing to be sent to you.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
 - Contact, Financial and Transaction Data from providers of Business information such as Credit Safe, Experian or Companies House, based inside or outside the EU;
 - Introdurers and other businesses where we have a trading relationship.

HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- **(a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose
- **(b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract
- **(c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations)
- **(d) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law
- **(e) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

The situations in which we will process your personal information are listed below. Please see Schedule 1 to this privacy notice in which we have set out, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us at gdpr@underbanks.co.uk if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

We will process your personal information for the following reasons:

- to find the best source of finance based on your circumstances;
- to undertake credit checks for the purposes of finding the most suitable finance product;
- to confirm your affordability for the financial requirement we are seeking finance for;
- to comply with our anti-money laundering and know your client requirements; and
- to meet our regulatory responsibilities.

AUTOMATED DECISION MAKING

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- where we have notified you of the decision and given you 21 days to request a reconsideration;
- where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights; or
- in limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

Many of our funders use auto scoring technology to underwrite deals. You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

WHY MIGHT WE SHARE YOUR INFORMATION WITH THIRD PARTIES?

We will share your personal information with third parties where required by law, where it is necessary to administer the contractual relationship with you or where we have another legitimate interest in doing so.

“Third parties” includes third-party service providers (including contractors and designated agents) and other entities within our group. The following third-party service providers process personal information about you for the following purposes:

- the most suitable funders on our panel (a full list of which is available by contacting gdpr@underbanks.co.uk .
- our IT hosting and maintenance, this information is located on servers within the European Union
- AFS Compliance Limited to meet our regulatory obligations to our Principal Firm
- Credit reference agencies for the purposes of ascertaining your financial status
- Regulatory bodies such as The Financial Conduct Authority for the purposes of meeting our regulatory obligations.
- Other members of our group where needed to process your application
- Fraud prevention agencies where we are required to do so
- Third party product providers where you have given us your prior consent to do so.

We have a Data Protection regime in place to oversee the effective and secure processing of your personal data. More information on this framework can be found on our website.

HOW LONG WE KEEP YOUR INFORMATION

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from gdpr@underbanks.co.uk. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

INTERNATIONAL TRANSFERS

We do not transfer your personal data outside the European Economic Area (EEA).

WHAT ARE YOUR RIGHTS?

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it;
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected;
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below);
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes;
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it;

- **Request the transfer** of your personal information to another party
- **Withdraw consent:** In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact gdpr@underbanks.co.uk . Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact gdpr@underbanks.co.uk . You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO).