

## Privacy Notice

Henley Finance Ltd (**the Company**) is committed to protecting the privacy of your personal information. For the purpose of applicable data protection law, including the Data Protection Act 1998 and, from its entry into force on 25 May 2018, the General Data Protection Regulation (Regulation (EU) 2016/679) (together, **DP Law**), the Company is the data controller. You will see the Company referred to as Henley Finance and Henley Finance Ltd on the site. Our Privacy Notice explains what we do with any personal information which we collect from you, including when you use our website and when you interact with us in other ways offline, for example during the loan application process. If you have any questions regarding our Privacy Notice, please contact us at the address on the **Contact Us page** of this site or email us at [office@henleyfinance.co.uk](mailto:office@henleyfinance.co.uk)

This Privacy Notice explains how we collect, use and disclose personal information about you when you visit the site and when you contact us, whether by e-mail, post, fax or telephone using the contact options on the site. The information you provide to us may then be shared with other companies who are immediately dealing with your loan ("**the Group**"). Where we refer to the Company, this will also include the Group unless we explain otherwise.

### What type of personal information do we collect?

The personal information we collect from you is used primarily to enable us to provide the specific service you require and to help you access your on-line information, securely.

Personal information can include the following:

- your title, forename and surname and gender;
  
- your personal or work related (depending on which you choose to submit) e-mail address and your password (which allow us to create your user account and your unique agreement number);
  
- your personal or work related contact details (depending on which you choose to submit) such as your telephone number(s), fax numbers and postal address;
  
- your date of birth and national insurance number;
  
- your marital status;

- your residential status and address details for the last 3 years;
- occupation, salary and annual income information;
- employment status;
- employer details and time periods in that occupation and with that employer and any other employers within a 3 year period;
- your bank details, including your bank name and address, sort code, account number, account type and time period at your bank;
- personal information which we obtain from Fraud Prevention Agencies (see the section on 'Fraud Prevention Agencies' below);
- personal information about your credit history which we obtain from Credit Reference Agencies including data which originates from Royal Mail (UK postal addresses), local authorities (electoral roll), the insolvency service, Companies' House, other lenders and providers of credit (who supply data to the Credit Reference Agencies), court judgments decrees and administration orders made publicly available through statutory public registers (see the section on 'Credit Reference Agencies' below);
- your contact and marketing preferences;
- if you take a survey or interact with us in various other ways - demographics information and information about subjects that may interest you;
- information necessary for legal compliance; and/or
- where you "like" us or make posts on our pages on social networking websites, such as Facebook, Twitter, YouTube and Instagram.

Personal information also includes special categories of personal data. This is data about your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, and data concerning your health, sex life or sexual orientation. In the unlikely event that any of this is collected from you during your use of the website or during any other offline interaction with us you may be asked at the point of

collection to provide your explicit consent where needed in order to justify our processing of it.

This information will be collected primarily from you as information voluntarily provided to us, but (as explained above) we may also collect it where lawful to do so from (and combine it with information from) credit reference and fraud prevention agencies, public sources, third party service providers (such as Experian Limited trading as HD Decisions who will conduct a soft credit search as part of our “Check my Eligibility” service), tax or law enforcement agencies and other third parties. Also, some of the personal information obtained from Credit Reference Agencies will have originated from publicly accessible sources. In particular, Credit Reference Agencies draw on court decisions, bankruptcy registers and the electoral register (also known as the electoral roll). We explain more about Credit Reference Agencies below. We have also mentioned above in the lists of personal information that we process some of the Credit Reference Agencies’ other sources of information (which are our own source of information too). We may also collect personal information about you from your use of other Company or Group websites or services.

## **The legal basis for our use and other processing of your personal information under DP Law**

This will include (as relevant):

- processing your personal information so that we may perform our obligations under a contract with you (such as a loan agreement with you) (“**Your Contract**”);
- processing for legitimate interests provided these are not overridden by your interests and fundamental rights and freedoms (this includes our own legitimate interests and those of other entities and branches in our Company). For example, this is relevant when we use and process your personal data to deal with our legal and regulatory and internal governance obligations; and in addition / together with the processing condition described above (“**Legitimate Interests**”),
- processing which is necessary for compliance with our legal obligations laid down by European Union law (where relevant) and by English Laws applicable to us in the United Kingdom (“**Our Legal Obligations**”).
- your consent may also be a lawful reason for processing your personal data in certain cases (“**Your Consent**”). This means your freely given, specific, informed and unambiguous consent which may be collected from you, for instance: when you agree to receive marketing communications from us or when you agree to take part in surveys or market research (as

relevant). You should be aware that you are entitled under DP Law to withdraw your consent where you have given it to us at any time. If you do this and if there is no alternative lawful reason for us to rely on to justify our use or other processing on your personal data, this may affect our ability to provide you with some of our services.

In summary, we need certain categories of personal data in order to provide you with our services. Certain other personal data is processed for our Legitimate Interests in cases where this does not result in prejudice to you. Certain other personal data is processed based on a consent.

## **What other personal information do we collect and why?**

In this section we explain the personal information we collect from you when you interact with us online and offline. Where we explain why we use this information, we have also referred to the relevant legal basis which we consider applies to the processing, as explained in the section above. Presenting the information in this way will make it easier for you to understand your rights in relation to your personal information, and this is explained further below in the sections headed “Your rights to access your personal information” and “Your rights to under DP Law”.

### **Legitimate Interests**

We automatically collect standard internet and website log information to understand how our website visitors behave, which we use to improve your experience online. This may include information about your Internet Service Provider, your operating system, browser type, domain name, the Internet Protocol (IP) address of your computer (or other electronic Internet-enabled device), your access times, the website that referred you to us, the web pages you request and the date and time of those requests.

Our collection of website use information may also involve the use of cookies and Web beacons. Please see our cookies policy for more information.

When you use any of the services below, you may need to provide us with some additional personal information so that we can liaise with you in order to deal with your request, query, loan application and/or customer account registration. If you do choose to provide us with your personal information, we will collect that information for our own use and for the purposes described in this Notice.

- contact us by email using the information on our websites;
- create a Henley Finance private website page for your personal use;

### **Our Legal Obligations and/or Legitimate Interests**

- we may also record phone conversations to offer you additional security, resolve complaints, for staff training purposes and to improve our service standards;

### **Your Contact and/or Legitimate Interests**

- apply for any of our loans, including our business loans

### **Your Consent**

- sign up to receive our various newsletters by email; and

## **How we use your personal information**

We have explained below the purposes for which we may use information about you. As with the section above, we have explained why we use your information with reference to the relevant legal basis. Presenting the information in this way will make it easier for you to understand your rights in relation to your personal information, and this is explained further below in the sections headed “Your rights to access your personal information” and “Your rights to under DP Law”:

### **We may use your personal information for the following Legitimate interests:**

- to carry out searches at Credit Reference Agencies pre-application, at the application stage, and periodically after that, and when we share your personal information with Credit Reference Agencies (see below where we explain more and refer to a separate leaflet to more information);
- to improve our products and services and to ensure that content from the websites is presented in the most effective manner for you and for your computer (or other electronic Internet-enabled device);
- to administer the websites;
- for internal record keeping;
- to contact you (directly, either by the Company, Group or through a relevant partner or agent) by e-mail or phone for any of the above reasons;
- where necessary as part of any restructuring of the Company or sale of the Company's business or assets;

- to analyse trends and customer journeys in using and accessing our websites;

### **Your Contract**

- to perform any contract the Company has with you;

### **Your Consent**

- subject to your consent where required under applicable laws, to carry out direct marketing and/or e-mail marketing;

### **Our Legal Obligations**

- where we carry out identity checks, anti-money laundering checks, and checks with Fraud Prevention Agencies pre-application, at the application stage, and periodically after that, and where we share your personal information with Fraud Prevention Agencies for these purposes;
- monitoring and recording of telephone calls and email communications where necessary for compliance with regulatory rules or self-regulatory practices or procedures relevant to our business, to prevent or detect crime, for quality, training and security purposes; and
- for compliance with our legal, regulatory and other good governance obligations.

This list is not intended to be exhaustive and may be updated from time to time as business needs and legal requirements dictate. Some of the personal information that we maintain will be kept in paper files, while other personal information will be included in computerised files and electronic databases.

### **Data Anonymisation**

We may convert your personal data into statistical or aggregated data in such a way as to ensure that you are not identified or identifiable from that data. We may use this aggregated data to conduct market research and analysis, including to produce statistical research and reports. For example, we may produce reports on which of our product and services are most popular. We may share aggregated data in several ways, including for the same reasons as we might share personal data (see below).

In addition, we may use pixels or transparent GIF files, to help manage online advertising.

## **How long do we keep your personal information for (and the criteria used to determine this)?**

Your personal data will not be kept for longer than is necessary to fulfil the specific purposes outlined in this Notice and to allow us to comply with our legal requirements.

The criteria we use to determine data retention periods includes the following:

(i) **Retention in case of queries.** We may retain it for a reasonable period (up to 6 months) after you have enquired about one of our products or services in case of follow up queries from you;

(ii) **Retention in case of claims.** We may retain it for the period in which you might legally bring claims against us (in the UK this means we will retain it for 6 years) if and to the extent this is relevant; and

(iii) **Retention in accordance with legal and regulatory requirements.** We will consider whether we need to retain your personal data after the period described in (ii) (above) because of a legal or regulatory requirement. Some or all of these criteria may be relevant to retention of your personal data collected in connection with our products and services.

If you would like further information about our data retention practices please contact us (see below).

## **How do we share your information with credit reference agencies?**

If a soft search is placed on your credit file with a Credit Reference Agency (CRA) this record will be seen by you and us but not by any other organisation and therefore will not affect your ability to obtain credit in the future.

If you apply for credit and whether or not your application proceeds, a full search is placed on your credit file with the CRA. This record (but not our name) will be seen by other organisations when you apply for credit in the future. A large number of applications in a short period of time could affect your ability to obtain credit.

In order to process your application, we will perform credit and identity checks on you with *one or more* CRAs. Where you take services from us we may also make periodic searches at CRAs to manage your account with us. To do this, we will supply your personal information to CRAs and they will give us information about you. This will include information from your credit application and about your 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.

We will use this information to:

- Assess your creditworthiness and whether you can afford to take the product;
- Verify the accuracy of the data you have provided to us;
- Prevent criminal activity, fraud and money laundering;
- Manage your account(s);
- Trace and recover debts; and
- Ensure any offers provided to you are appropriate to your circumstances.

We will continue to exchange information about you with CRAs while you have a relationship with us. We will also inform the CRAs about your settled accounts. If you borrow and do not repay in full and on time, CRAs will record the outstanding debt. This information may be supplied to other organisations by CRAs.

When CRAs receive a search from us they will place a search footprint on your credit file that may be seen by other lenders.

If you are making a joint application, or tell us that you have a spouse or financial associate, we will link your records together, so you should make sure you discuss this with them, and share with them this information, before lodging the application. CRAs will also link your records together and these links will remain on your and their files until such time as you or your partner successfully files for a disassociation with the CRAs to break that link.

**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 your data protection rights with the CRAs are explained in more detail at:**

<https://www.equifax.co.uk/crain.html> <http://www.experian.co.uk/crain/index.html>

<https://www.callcredit.co.uk/crain>

## **How do we share your information with fraud prevention agencies**

**IDENTITY VERIFICATION AND FRAUD PREVENTION CHECKS** What we process and share for identity and fraud checks As well as using your personal information to manage the product or service we have with you, we will also use and share that information about you with fraud prevention agencies including CIFAS and National Hunter who will use it to prevent fraud and money-laundering and to verify your identity. This includes by carrying out fraud checks. All this requires us to process your personal information. We will do these checks before we provide the product or service to you, open your account and periodically at other stages after that. If fraud is detected at any time you could be refused the product or service or have it withdrawn from you. The personal information you have provided, we have

collected from you (whether directly or indirectly through our partners and brokers), or which has been received from third parties may include your name, date of birth, home address and address history, contact details such as email address, home and mobile telephone numbers, financial information, employment details, device identification including IP and/or MAC address. We, and fraud prevention agencies, will use this information to prevent fraud and money laundering, and to verify your identity. We, and fraud prevention agencies, may also enable law enforcement agencies to access and use your personal information to detect, investigate and prevent crime. Fraud prevention agencies can hold your personal information for different periods of time, depending on how that data is being used. You can contact them for more information. If you are considered to pose a fraud or money laundering risk, your data can be held by fraud prevention agencies for up to six years. Information on these fraud prevention agencies, including their contact information and information on their Data Protection Officers, can be found at: <https://www.cifas.org.uk> <http://www.nhunter.co.uk> As part of our processing of your personal information, we may take decisions by automated means. You may automatically be considered to pose a fraud or money laundering risk if our processing reveals your behaviour to be consistent with that of known fraudsters or money launderers, inconsistent with your previous submissions, or if you appear to have deliberately hidden your true identity. You have rights in relation to automated decision making. There is more detail on this in the Your Rights section below. As indicated, if we, or a fraud prevention agency, determine that you pose a fraud risk or money laundering risk, we may refuse to provide the product or service to you and open your account. If fraud is detected at any time you could be refused the product or service or have it withdrawn from you. If you would like to know more you can contact the Data Protection Officer at the fraud prevention agencies (for details about what they do) or our Data Protection Officer (for details about what we do).

A record of any fraud or money laundering risk will be retained by the fraud prevention agencies and may result in others refusing to provide services, financing or employment to you. If you have any questions about this, you can contact the appropriate fraud prevention agency using the details provided above.

#### **- Data transfers for identity and fraud checks**

Some fraud prevention agencies may transfer your personal information outside of the European Economic Area. Where they do, they impose contractual obligations on the recipients of that data. Those obligations require the recipient to protect your personal information to the standard required in the European Economic Area. They may also require the recipient to subscribe to 'international frameworks' intended to enable secure data sharing and where the framework is the means of protection for the personal information.

#### **- Lawful processing for identity and fraud checks**

When we and fraud prevention agencies process your personal information for the checks described in this section, we do so on the basis that we have a legitimate interest in preventing fraud and money laundering, and to verify identity, in order to protect our business and to comply with laws that apply to us. Such processing is also or may also be a contractual requirement in order for us to provide the product you have applied for or to open your account relating to that product.

#### **- Your rights in the context of identity and fraud checks**

Your personal information is protected by legal rights which include (in the context of the checks described in this section) your rights to object to processing of your personal information, request that your personal information is erased or corrected, or request access to your personal information. If you want to exercise any of these rights, you contact our Data Protection Officer using the details provided and you can also complain to the Information Commissioner's Office.

### **Does the Company share my personal information with third parties?**

Your personal information will be made available for the purposes mentioned above (or as otherwise notified to you from time to time), on a 'need-to-know' basis and only to responsible management, accounting, legal, logistics, audit, compliance, information technology and other corporate staff who properly need to know these details for their functions within the Company. Please note that certain individuals who will see your personal information may not be based at the Group or in your country (please see below). We may share personal information within the Group as needed for reasonable management, analysis, planning and decision making, including in relation to taking decisions regarding the expansion and promotion of our product and service offering, order or customer request fulfillment and for use by those companies for the other purposes described in this Notice.

Your personal information may also be made available to third parties (within or outside the Company or Group) providing relevant services under contract to the Company, or the Group (see below for further details) to help us provide our services and products to you. Third parties in this context means other corporate entities within the group, providers to the Company or Group of responsible management, accounting, legal, logistics, audit, compliance, information technology, marketing and other services. This may also include providers of call centres, data storage and database hosting services, IT hosting and IT maintenance services. These companies may use information about you to perform functions on our behalf.

We may disclose specific information upon lawful request by government authorities, law enforcement and regulatory authorities where required or permitted by law and for tax or other purposes. Your personal information may also be made available to third parties or partners where necessary as part of any restructuring of the Company or sale of the Company's business or assets. Personal information may also be released to external parties in response to legal process, and when required to comply with laws, or to enforce our agreements, corporate policies, and terms of use, or to protect the rights, property or safety of the Company, our employees, agents, customers, and others, as well as to parties to whom you authorise the Company to release your personal information.

We will not sell your personal information to any third party other than as part of any restructuring of the Company or Group or sale of a relevant Group business.

### **Will my personal information be transferred abroad?**

We have explained above how your personal information may be shared outside of the Company and the Group. As part of this, including for instance where we work with service providers, your personal information may be transferred to countries outside the European Economic Area which don't have equivalent standards of protection under their legislation and on these occasions we take other steps to protect the data as required under DP Law. The steps we take may include the use of European Model Clause contracts and (where relevant to our suppliers) US Privacy Shield. You can find out what these are by using the **Contact/address details** below

### **Managing your marketing preferences**

The Company does not take part or initiate in any marketing activity.

### **Your rights to access your personal information**

You have a number of other rights in respect of your personal information under applicable DP Law. These include the right to access or obtain copies of your personal information and to have inaccurate information about you corrected.

To exercise your right to access your personal data please write to our Customer Contact Team at Henley Finance Ltd, Thames Court, Henley on Thames, RG9 1BH

### **Your rights under DP Law**

As well as the right to access the personal information we hold about you, you have a number of other rights in respect of your personal information under DP Law. These may include (as relevant):

- the right to access or obtain copies of your personal information that we hold (see above);
- the right to rectification, including to require us to correct inaccurate personal data;

- the right to request restriction of processing concerning you or to object to processing of your personal data;
- the right to request the erasure of your personal data where it is no longer necessary for us to retain it;
- the right to data portability including to obtain personal data in a commonly used machine readable format in certain circumstances such as where our processing of it is based on your consent;
- the right to object to automated decision making including profiling (if any) that has a legal or significant effect on you as an individual; and
- where you have an option to provide us with your personal data or not in connection with your use of our website or in connection with any of our products or services, you have the right to be informed about the possible consequences of not giving it to us;
- the right to withdraw your consent to any processing for which you have previously given that consent.

Please be aware that some of these rights will only become relevant when changes to DP Law come into force in May 2018.

Please contact us at [office@henleyfinance.co.uk](mailto:office@henleyfinance.co.uk) if you would like to exercise any of your rights explained above in relation to your personal information.

### **Your right to complain to the data privacy supervisory authority**

Without prejudice to any other administrative or judicial remedy you might have, you have the right to lodge a complaint with the UK's Information Commissioner if you consider that we have infringed applicable data privacy laws when processing your personal data. In the **UK** the Information Commissioner's Office can be contacted using the following link:

<https://ico.org.uk/>.

### **Keeping you informed**

We will keep your details on record until we have completely dealt with your request, enquiry or application and then for a reasonable period afterwards, in accordance with data protection and other applicable legislation.

The Company may keep your details on record for as long as is necessary for the purposes set out above and will then endeavour to delete your details in accordance with data protection and other applicable legislation.

### **Changes to this Notice**

We keep this Notice under regular review. We may change this Notice from time to time by updating this page in order to reflect changes in the law and/or our privacy practices. The date at the top of this Notice will be updated accordingly and we encourage you to check this from time to time for any updates or changes. Where you have provided us with your email address, we may also contact you to let you know that we have updated the Notice. We may also take that opportunity to ask you if you would like to update your marketing preferences. By using our websites, submitting your personal information to us, registering an account, registering a customer credit account or interacting with us in other ways, you consent to the use of your personal information as described in this Notice (as amended from time to time). This Notice does not extend to your use of, provision of data to and collection of data on any website not connected to us to which you may link to by using the hypertext links within our websites.

### **Contact/address details**

If you have any questions about this Notice, please contact us at [office@henleyfinance.co.uk](mailto:office@henleyfinance.co.uk)