



assetz
capital

Privacy notice.



Fairer growth for all.

Effective 5 November 2019

Assetz Capital Privacy Notice

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Assetz Capital Privacy Notice

1. Introduction

Assetz Capital is committed to protecting the information that we hold about you. We also wish to be transparent about how we collect, hold, retain and use your information in line with applicable laws and regulation.

This privacy notice describes:

- What information we collect from you and hold about you.
- How long we retain this information and why.
- Who we may share your information with and why
- How we may use your information and our bases for doing so.
- Our use of cookies.
- Where we may send your information.
- Your rights in relation to this information.

Please note that this privacy notice covers both lenders and borrowers but certain aspects of this notice may apply only to one of those groups: where this is the case, we indicate this clearly. For example:

For our lenders, Assetz SME Capital Limited, trading as Assetz Capital, is the Data Controller for your personal data. This means it is responsible for deciding how your personal data is used.

For our borrowers, Assetz SME Capital Limited, trading as Assetz Capital, is the Data Controller for your personal data if your loan application comes to us directly (i.e.: there is no broker / intermediary involved). This means it is responsible for deciding how your personal data is used in these circumstances.

Where a broker / intermediary is involved, Assetz Capital typically will receive information initially from that broker / intermediary who will have consent from the borrower to pass their data to third parties for the purpose of sourcing finance. At this stage the broker / intermediary is the Data Controller and Assetz Capital is acting as a Data Processor under the consent given by the borrower to the broker / intermediary. If Assetz Capital is selected as the source of lending and contracts with the borrower, Assetz Capital then becomes a joint Data Controller with the broker / intermediary.

The scope of this privacy notice is limited to personal data. "Personal data" is information that relates to an identifiable natural person who can be directly or indirectly identified from that information, for example, a person's name, address, date of birth, an identification number, location data and so on.

Please note that Assetz Capital will never sell your personal data to a third party

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2. Information we collect from you and hold about you

The information that we hold about you typically will come from you directly, often when you register as a lender on the platform or when you apply for a business loan as a borrower. The information that we collect from you will include the following:

- Your personal details (such as name, date of birth, and possibly other information required to confirm your identity in accordance with applicable laws and regulation);
- Your contact details (such as e-mail address, postal address, telephone number, mobile number).
- Transactional details relating to your Assetz Capital account (such as deposits and withdrawals, details of investments in loans; **for borrowers**, payments you make and receive);
- Financial information (such as bank account details to process payments or withdrawals; **for borrowers**, other financial information submitted in support of a loan application).
- **For borrowers only:** Details about your health (but only if relevant to and strictly necessary for the processing of your loan application or the monitoring and servicing of a loan);
- **For borrowers only:** Information about criminal convictions and offences (but only if relevant to and strictly necessary for the processing of your loan application or the monitoring and servicing of a loan);

If you choose not to provide information that we tell you is essential for the creation or maintenance of a lender account or for the processing of a loan application or the monitoring and servicing of a loan, we may be unable to provide you with the requested service(s) or it may affect our ability to perform our obligations under an agreement with you. Where this is the case we will tell you and explain why.

If you give us information about other people (such as asking us to allow another person to access or operate your account on your behalf whether by Power of Attorney or other means) which we will use in the provision of our services, you confirm that they are aware of this privacy notice and the information contained herein regarding the use of their data.

In addition to information which you give to us directly, we will also hold information we collect from other sources. This will include:

- The way you use your account(s) with us (such as information about the specific products, features or services you use, the way you use our web site, mobile applications, telephone services, Live Chat).
- Any other interactions you have with us (such as forum use, Q&A participation, event attendance, through social media or other channels);
- We may collect details from devices you use when connecting to our web site or through mobile apps (such as identifying the IP address a device connects from, the device type and the way you interact with our web site or mobile app – this information may be used in the interests of the security of your account and/or to allow us to improve our service and offering to you);

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- Records of checks we conduct to comply with legal and/or regulatory requirements (such as checks to confirm identity in line with Money Laundering Regulations).
- **For borrowers only:** Information from fraud prevention and credit reference agencies, who may check the information against other databases – public or private – to which they have access. Please see the separate section later in this document regarding fraud prevention and credit reference agencies.
- **For borrowers only:** Information about you which is publically available (either online or elsewhere) which is relevant to a loan application of the monitoring or servicing of a loan;
- People or organisations who you appoint to act on your behalf;
- Other financial institutions who may allow you to access your Assetz Capital account via their web site or app using an API or some other interface where the provision of their service to you requires them to provide information to us.

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3. How long we keep the information we collect from you and hold about you

We retain your information for as long as we continue to have a relationship with you. **For a lender**, this means as long as you continue to have an account with Assetz Capital. **For a borrower**, this means as long as you have a loan or loans funded by our platform.

When our relationship with you has come to an end (for example, following the closure of a lender's account or the repayment of a borrower's loan) we will only retain your information for as long as we have a lawful reason for doing so. Similarly if a borrower's application for a loan is declined or a lender decides not to proceed with a registration we will only retain data for as long as it is legitimate for us to do so.

Once our relationship with you has ended we will retain information that allows us to:

- Comply with record-keeping requirements under law or regulation (for example, as required under the Money Laundering Regulations);
- Deal appropriately with any complaints regarding the services we have provided.
- Defend (or potentially bring) any existing or future legal claims;
- Maintain records of anyone who does not want to receive marketing from us to prevent us from inadvertently ignoring your wishes in the future.

The period over which we may lawfully retain information is often linked to the record-keeping requirement (for example, five years from the end of the relationship in the case of checks made to comply with the Money Laundering Regulations) or to the amount of time available to bring a legal claim.(typically six years for claims in relation to a contract).

We would retain your information after this time only if we are required to do so to comply with law or regulation, or if there are complaints or claims outstanding which reasonably require your information to be retained for longer.

If we do retain your information for lawful reasons we will continue to ensure that your privacy is protected.

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4. Who we may share your data with and why

We will protect your information and keep it secure and confidential but we may share it with third parties (who also have to protect it and keep it secure and confidential) under the certain circumstances.

Those with whom we may share your data include:

- Your advisers (for example, your accountant, lawyer or other professional adviser) if you have properly authorised them to represent you.
- **For borrowers**, your broker or intermediary if one is acting for you.
- **For borrowers**, your information is shared with lenders on the platform in order to source funding for you. You give us your consent to do this when you apply for a loan with us.
- **For lenders**, any other person who you have properly authorised to use your Assetz Capital account or to give us instructions on your behalf (such as under a Power of Attorney).
- Banks, payment service providers and other financial institutions that allow us process payments to and from your Assetz Capital account in accordance with your instructions, or **for borrowers**, payments in relation to a loan.
- Other financial institutions who you (or a third party properly authorised to give instructions on your account) ask us to share information with (for example, if you authorise, set up and use another company's web portal or app to access and manage you Assetz Capital account via an API).
- UK authorities, law enforcement agencies and regulators in connection with the execution of their duties (and, where required to do so, their overseas equivalents).
- HM Revenue and Customs ("HMRC") insofar as we are required to do so by law.
- Our service providers (including their sub-contractors). This may include, for example, third parties who help us to perform identity verification checks or who help us to communicate with you or, **for borrowers**, a professional such as a Monitoring Surveyor. Where we use service providers we ensure that they protect your data as we would.
- **For borrowers**, anyone to whom we may transfer our rights and duties in respect of the agreement between us.
- Other companies in the Assetz Group (for example, to offer you products or services which may interest you and for marketing purposes, provided you have consented to receive marketing communications from us).
- **For borrowers only:** Fraud prevention agencies – please see the section on the use of fraud prevention and credit reference agencies for details.
- **For borrowers only:** Credit reference agencies – please see the section on the use of fraud prevention and credit reference agencies for details.

Please note that If information is shared at your request with a third party we will have no control over how that information is used. You will need to understand and agree the scope of any such use directly with the third party before making the request.

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5. Use of Fraud Prevention and Credit Reference agencies

This section is applicable to **borrowers only**.

When you apply to Assetz Capital for a business loan we perform credit checks with one or more credit reference agencies and fraud prevention agencies. To do this, we supply information about you and/or your company to the credit reference agencies and fraud prevention agencies and they give us information about you and/or your company which we use to assess your loan application.

Fraud prevention agencies

When you apply for a loan the personal information we collect from you will be shared with fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify your identity. If fraud is detected, you could be refused certain services or finance. Further details of how your information will be used by us and these fraud prevention agencies, and your data protection rights, can be found by reading the full notice which is available upon request when applying for a loan from Assetz Capital – please ask your Assetz Capital contact for a copy.

Credit reference agencies

When you apply for a loan the information we collect from you will be shared with one or more credit reference agencies. The three main credit reference agencies in the UK operate in accordance with the Credit Reference Agency Information Notice (“CRAIN”) which describes how they use and share personal data. The CRAIN is available on each of the credit reference agency’s web sites:

www.callcredit.co.uk/crain

www.equifax.co.uk/crain

www.experian.co.uk/crain

These are provided as links as the CRAIN is an external document which will be updated independently of this privacy notice.

6. How we use your information and the bases upon which we do so

By law, we are allowed to process your personal data only if we have a proper reason to do so. The law says we must have one or more of the following reasons:

- Consent – you have given us clear consent for us to process your personal data for a specific purpose.
- Contract – the processing is necessary to fulfil a contract we have with you, or because you have asked us to take specific steps as a precursor to entering into a contract.
- Legal obligation – the processing is necessary for us to comply with the law.
- Legitimate interests – we have a business or commercial reason of our own to use your information, known as a legitimate interest, which we tell you about and which does not unfairly go against your interests.

This section summarises our processing and our reasons for doing so. .

How we use your personal information	Our reasons	Our legitimate interests
Providing our service to you and managing our relationship with you as a customer	<ul style="list-style-type: none"> • Fulfilling our contract with you • Our legitimate interests 	<ul style="list-style-type: none"> • Fulfilling our contractual duties efficiently • Keeping our records up to date • Working out which of our products and services may be of interest to you • Developing new products and services
Communicating with you	<ul style="list-style-type: none"> • Your consent • Fulfilling our contract with you • Our legitimate interests 	<ul style="list-style-type: none"> • Fulfilling our contractual duties efficiently • Keeping our records up to date • Telling you about products and services that may interest you

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How we use your personal information	Our reasons	Our legitimate interests
Managing our operations associated with delivering our products and services, making and receiving payments.	<ul style="list-style-type: none"> • Fulfilling our contract with you • Our legal obligations • Our legitimate interests 	<ul style="list-style-type: none"> • Fulfilling our contractual duties efficiently • Complying with applicable law and regulation
Exercising our rights as set out in agreements or contracts	<ul style="list-style-type: none"> • Fulfilling our contract with you 	
Running our business in a proper way including managing our financial position, corporate governance, business capabilities, risk and compliance, testing and deploying systems and processes, managing communications properly and appropriately	<ul style="list-style-type: none"> • Our legal obligations • Our legitimate interests 	<ul style="list-style-type: none"> • Fulfilling our contractual duties efficiently • Complying with applicable law and regulation
Detecting, investigating, reporting and preventing financial crime.	<ul style="list-style-type: none"> • Fulfilling our contract with you • Our legal obligations • Our legitimate interests 	<ul style="list-style-type: none"> • Protecting our business and its customers • Improving our products, services and systems • Complying with applicable law and regulation
Complying with law and regulation more broadly, including cooperating with the proper authorities in the execution of their duties and remits	<ul style="list-style-type: none"> • Our legal obligations 	
Responding to your feedback and concerns, including dealing appropriately with complaints or legal claims.	<ul style="list-style-type: none"> • Fulfilling our contract with you • Our legal obligations • Our legitimate interests 	<ul style="list-style-type: none"> • Understanding your concerns and improving our products or services

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How we use your personal information	Our reasons	Our legitimate interests
Studying how our customers use our products and services, managing our products, services and brand	<ul style="list-style-type: none"> • Our legitimate interests 	<ul style="list-style-type: none"> • Developing new products and services • Improving existing products and services • Working out which of our products and services may be of interest to you • Enhancing our brand
Developing and carrying out marketing activities	<ul style="list-style-type: none"> • Your consent 	

7. Automated processing of your data

Assetz Capital makes very limited use of automatic processing of your data in the provision of our services to you: Example of automatic processing include:

- Identify verification, anti-money laundering and sanctions checks.
- Screening of individuals who may be classed as “Politically Exposed Persons”.
- Transaction monitoring for the purposes of preventing fraud and other forms of financial crime.
- Determining if an account is dormant..

In all instances this automated processing does not lead to automated decision-making: the outcomes of the automated processing are reviewed by a human being who will make any necessary decisions.

8. Use of Cookies

If your browser security settings allow it, we will store a cookie on your machine which allows us to automatically log you in when you visit our sites. You can destroy the cookie by logging out of your account.

If you do not wish to have the cookie set, you can uncheck the "Remember me" box in the login form.

If you followed a link to us from another web site, we will also set a cookie to allow us to track which web site you came from the first time you visited our site. This is purely to monitor the success of our online marketing. Additionally, when using certain sections of our site, we may temporarily store certain information necessary to the functionality of the software. This information will be destroyed when you close your web browser.

Finally, we use cookies to track how visitors interact with our site. This information is not personally identifiable and is used to help us improve the experience for all of our visitors.

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9. Sending your data outside of the European Union

Assetz Capital (and its service providers) hold your data securely in the UK and EU. We do not, in the normal course of business, transfer your information outside of the EU. Should we ever need to transfer data outside of the EU in the normal course of business we would only do so if the organisation receiving the data had provided adequate safeguards (where your rights would be enforceable and effective legal remedies available following the transfer) or where you had provided informed consent.

In the event that we were forced to share data with an organisation outside of the EU and in a jurisdiction that the European Commission does not regard as having adequate levels of protections for personal data – for example because we were required by law to disclose information – we would seek to ensure that the recipient organisation agreed to protect the data to levels equivalent to ours and seek to put in place appropriate safeguards to ensure that the data was adequately protected. If that was not possible we would ensure the sharing of the data was lawful.

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10. Your rights explained

In this section we provide a brief overview of your rights in respect of privacy and data protection. In each case, we explain how to exercise your rights in the context of your relationship with us.

10.1. Your right to be informed

You have the right to be informed about the collection and use of your personal data, including:

- our purposes for processing your personal data.
- our retention periods for that personal data.
- who it will be shared with.

This privacy notice provides you with this privacy information in a clear and transparent way.

10.2. Your right of access

You have the right to access your personal data – this is commonly referred to as ‘subject access’. You can make a subject access request verbally, in writing or by e-mail.

For lenders: Please contact our lender team at enquiries@assetzcapital.co.uk or on 0800 4700430.

For borrowers: Please contact your Relationship Director or your normal Assetz Capital contact.

We may seek confirmation of your identity before proceeding in order to protect your privacy and personal data.

We will not normally charge a fee to deal with a request, although the legislation does allow us to charge a fee to cover administrative costs in circumstances where a request (or a series of requests) is manifestly unfounded or excessive.

When you make a request to us we normally have one month in which to respond. Please note that this can be extended by a further two months if the request is complex or if we have received a number of requests from you.

10.3. Your right to rectification

You have the right to have inaccurate personal data rectified, or completed if it is incomplete. You can make a request for rectification verbally, in writing or by e-mail.

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For lenders: Please contact our lender team at enquiries@assetzcapital.co.uk or on 0800 4700430.

For borrowers: Please contact your Relationship Director or your normal Assetz Capital contact

We may seek confirmation of your identity before proceeding in order to protect your privacy and personal data.

When we receive a request for rectification we will take reasonable steps to satisfy ourselves that the data is accurate and will rectify the data if necessary. We will take into account the arguments and evidence which you provide to us.

We will not normally charge a fee to deal with a request, although the legislation does allow us to charge a fee to cover administrative costs in circumstances where a request (or a series of requests) is manifestly unfounded or excessive.

When you make a request to us we normally have one month in which to respond. Please note that this can be extended by a further two months if the request is complex or if we have received a number of requests from you.

10.4. Your right to erasure

You have the right to have your personal data erased – also known as ‘the right to be forgotten’. Please note, however, that this right is not absolute and there are circumstances in which the right does not apply and erasure is not possible (for example, we cannot erase your data if you still have a relationship with us or if we have a lawful reason to retain your data).

You can make an erasure request verbally, in writing or by e-mail.

For lenders: Please contact our lender team at enquiries@assetzcapital.co.uk or on 0800 4700430.

For borrowers: Please contact your Relationship Director or your normal Assetz Capital contact.

We may seek confirmation of your identity before proceeding in order to protect your privacy and personal data.

We will not normally charge a fee to deal with a request, although the legislation does allow us to charge a fee to cover administrative costs in circumstances where a request (or a series of requests) is manifestly unfounded or excessive.

When you make a request to us we normally have one month in which to respond. Please note that this can be extended by a further two months if the request is complex or if we have received a number of requests from you.

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10.5. Your right to restrict processing

You have the right to request the restriction or suppression of your personal data.

Please note however that this is not an absolute right and only applies in certain circumstances (for example, you may ask us to restrict the use of certain data if you believe that it is inaccurate and we are considering your request for rectification).

You can make a request to restrict processing verbally, in writing or by e-mail.

For lenders: Please contact our lender team at enquiries@assetzcapital.co.uk or on 0800 4700430.

For borrowers: Please contact your Relationship Director or your normal Assetz Capital contact.

We may seek confirmation of your identity before proceeding in order to protect your privacy and personal data.

We will not normally charge a fee to deal with a request, although the legislation does allow us to charge a fee to cover administrative costs in circumstances where a request (or a series of requests) is manifestly unfounded or excessive.

When you make a request to us we normally have one month in which to respond. Please note that this can be extended by a further two months if the request is complex or if we have received a number of requests from you.

10.6. Your right to data portability

You have the right to receive the personal data that you have provided to us in a structured, commonly used and machine readable format. You can also request that we transmit this data directly to another Data Controller provided this is technically feasible given our systems and theirs.

You can make a request for a portable copy of your data verbally, in writing or by e-mail.

For lenders: Please contact our lender team at enquiries@assetzcapital.co.uk or on 0800 4700430.

For borrowers: Please contact your Relationship Director or your normal Assetz Capital contact.

We may seek confirmation of your identity before proceeding in order to protect your privacy and personal data.

We will not normally charge a fee to deal with a request, although the legislation does allow us to charge a fee to cover administrative costs in circumstances where a request (or a series of requests) is manifestly unfounded or excessive.

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When you make a request to us we normally have one month in which to respond. Please note that this can be extended by a further two months if the request is complex or if we have received a number of requests from you.

10.7. Your right to object

You have the right to object to the processing of your personal data in certain circumstances.

You have an absolute right to stop your data being used for direct marketing. You can opt out of direct marketing from us at any time by changing your Communication Preferences, accessible from your Dashboard.

You can make an objection verbally, in writing or by e-mail.

For lenders: Please contact our lender team at enquiries@assetzcapital.co.uk or on 0800 4700430.

For borrowers: Please contact your Relationship Director or your normal Assetz Capital contact.

We may seek confirmation of your identity before proceeding in order to protect your privacy and personal data.

We will not normally charge a fee to deal with an objection, although the legislation does allow us to charge a fee to cover administrative costs in circumstances where an objection (or a series of objections) is manifestly unfounded or excessive.

When you make a request to us we normally have one month in which to respond. Please note that this can be extended by a further two months if the request is complex or if we have received a number of requests from you.

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11. How to contact us

Please see the sections above for details of your rights and how to exercise them.

Assetz Capital is committed to working with you to resolve fairly any concern or complaint about privacy. Our Data Protection Officer can be contacted at:

The Data Protection Officer
Assetz Capital
Assetz House
Manchester Green
335 Styal Road
Manchester
M22 5LW

Or

DPO@assetzcapital.co.uk

If we are unable to resolve your concern or complaint, you have the right to make a complaint to the Information Commissioner's Office ("ICO") which is the data protection authority of the United Kingdom. The ICO's web site can be found at:

<https://ico.org.uk>

12. Changes to this policy

We may update or modify or this privacy policy from time to time, particularly if subsequent changes to law or regulation require it

Where changes to this policy will have a material impact on the nature of our processing or a substantial impact on you, or affect your rights, we will give you sufficient advance notice of such changes.