

## GDPR Communication to MIVF Brokers

### The General Data Protection Regulation ("GDPR")

You will be aware of the changes in the rules governing the protection of personal data which are set out in the GDPR and which take effect on 25<sup>th</sup> May 2018. These amended rules, amongst other things, considerably upgrade the requirements for an individual to be informed of specific information, including the identity of any business controlling his/her personal data and the uses they intend to make of it. They also considerably increase the potential adverse consequences for any business that fails to comply properly with data protection legislation.

In the circumstances, we have redesigned the way in which we intend to deal with data protection issues, not only to protect our own position, but also to try to assist our brokers in protecting themselves from the consequences of a breach. Essentially, the changes to our required process are as follows:

- J At present, whenever you submit a proposal to us, this amounts to a warranty that you have ensured that all relevant individuals (including partners, joint applicants and, where applicable, directors/shareholders) have given valid consent to the disclosure of their data and to the uses we intend to put it to, including the searches we make as part of our underwriting process.
- J In order to comply with GDPR, the customer's consent will still be necessary before you pass their data to us (and you will need to retain evidence of such consent), but you will in future, in addition, need to ensure that at an early stage in every transaction all such individuals are given a Fair Processing Notice ("FPN") which sets out specific information regarding the use which we would make of their personal data if the proposal is submitted to MI Vehicle Finance Limited (MIVF).
- J We expect that, in accordance with GDPR, you will be giving all such individuals your own FPN at the beginning of each transaction, setting out your own intended use of their personal data, including submission of it to one or more funders as part of the anticipated proposal. This is a matter for you to take your own legal advice on to protect your own position.
- J We also recognise that you have alternative funders and may not know at an early stage which one(s) will receive a given proposal. Accordingly, to avoid the need for you to give out multiple FPNs at this stage on behalf of all your funders, we have prepared a "Generic Funder FPN" (see Appendix 1) which sets out all the required information which we believe any funder would require to be given as part of their own FPN, except for that information which is entirely specific to each funder.
- J This Generic Funder FPN will allow you to provide relevant individuals with the majority of the required information at an early stage. However, you will still need to provide them with additional information specific to each funder to which the proposal is in fact submitted. In respect of MIVF proposals, we will require you to do this by ensuring that customers are provided with specific information relating to MIVF as soon as you are notified that the proposal has been accepted or declined, but in any event no later than 28 days after the proposal is submitted to us. This additional MIVF information is contained within the MIVF Data Controller Notice (see Appendix 2a).
- J Should you wish to use this process with other funders then we have also drafted a separate Generic Data Controller Notice (Appendix 2b) which you are free to use should you wish.
- J Alternatively, if you wish to avoid this two-stage process, you can simply provide each prospective customer with our own MIVF FPN (see Appendix 3) at any time before the proposal is submitted to us. **The MIVF FPN will be available to download and print for the customer from our point-of-sale system before a proposal is submitted to us.** Copies are otherwise available from us on request.

As you will appreciate, this arrangement is rather different than the one which you presently adopt. However, we do not believe that implementation of the new process will require significant amendment of your existing MIVF broker agreement. Accordingly, we now give you notice of variation in accordance with that agreement in respect of the following, to take effect from the 25<sup>th</sup> May 2018:

1. "MIVF's DPA Policy" will mean the policy incorporating these GDPR requirements, a copy of which is attached at Appendix 4; and
2. Warranty 2 in Part A of the "Warranty List" is deleted and replaced by a GDPR compliant DPA warranty, a copy of which is attached at Appendix 5.

As you will see, our new MIVF DPA Policy incorporates our Generic Funder FPN, the MIVF Data Controller Notice, and the MIVF FPN. We must, however, make it entirely clear that we take no responsibility for your use of the Generic Funder FPN process (incorporating the Generic Funder FPN and Generic Data Controller Notice) with other funders. We have designed the process in the hope that it will also be acceptable to your other funders, and therefore helpful to you, but it is

up to those funders to decide whether it is in fact acceptable. As such, you will need to check the position with them, and take your own legal advice to ensure that use of the process with those other funders meets your GDPR obligations and your legal obligations to them.

Finally, we are also happy for you to use a generic FPN of your own, provided this incorporates all the information included within our Generic Funder FPN and is followed up with the MIVF Data Controller Notice as necessary.

We will be happy to answer any queries you may have regarding the above, but would in any event ask that you acknowledge receipt of this letter and its enclosures by return.

Enc – **Appendix 1: Generic Funder FPN**

**Appendix 2a: MIVF Data Controller Notice**

**Appendix 2b: Generic Data Controller Notice**

**Appendix 3: MIVF FPN**

**Appendix 4: MIVF DPA Policy**

**Appendix 5: MIVF DPA Warranty**

## Appendices for MIVF Brokers

### Appendix 1: Generic Funder Fair Processing Notice

We have been asked to assist you in obtaining finance. This process will involve the processing of your personal data. This Data Protection Notice is intended to give you information on how this personal data (*i.e.*, information which directly or indirectly identifies you) will be processed by any company to which we submit a finance application on your behalf. We have not yet identified the finance company or companies to which such an application should be submitted. You will be given details in due course of their identity, but for present purposes we will refer to any such company in this notice as "the Company".

For the purposes of EU data protection laws, the Company will be a data controller.

**Data That May Be Collected.** The Company may collect certain personal data with respect to you, including, without limitation, your name, address, date of birth, contact details, credit reference data, financial and employment details, banking and credit card details, director or shareholder roles, income and details of your business. The Company may collect some of this data from third parties, for example credit reference agencies.

Where your business is a corporate entity, the Company may collect personal data about the directors and shareholders of the business from credit reference agencies (CRAs) where this data is held publicly, such as at Companies House. Where a partnership is applying, the Company may similarly collect personal data about the individual partners. This notice also applies to the processing of such personal data and use of the word 'you' in this notice will encompass such individuals.

The Company may process sensitive personal data (including, for example, information revealing an individual's physical or mental health). Where sensitive personal data are processed the Company must obtain your explicit consent for the processing.

**Use of Personal Data.** The Company will use your personal data for: provision of products and services, credit and AML risk assessment, profiling for marketing purposes, market research and product development, statistical analysis, marketing, fraud prevention and detection and otherwise as necessary to comply with applicable laws, regulations and/or codes of practice. The processing of personal data may be undertaken with your consent, or where it is necessary for the performance of a contractual relationship or compliance with a legal obligation, or where it is in the legitimate interests of the Company or a member of any group of companies to which the Company belongs.

**Disclosure to Certain Third Parties.** The Company may disclose certain personal data: (i) within any group of companies to which the Company belongs; (ii) to the Company's brokers and dealers / suppliers, professional advisors and service providers (including, information technology systems providers); (iii) to courts, governmental and non-governmental regulators and ombudsmen; (iv) to fraud prevention agencies and law enforcement agencies; (v) to any third party that acquires, or is interested in acquiring, all or part of the Company's assets or shares, or that succeeds the Company in carrying on all or a part of its business, whether by merger, acquisition, reorganization or otherwise; and (vi) as otherwise required or permitted by law.

In particular, the Company may share the personal data it collects 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, finance or employment. Further details of how your information will be used by us and these fraud prevention agencies, and your data protection rights can be found at **[broker to insert]** or by contacting the Data Privacy Officer(s) whose details will be given to you at the same time as you are informed about the identity of the Company.

In addition, in order to process your application for finance, your personal data will be shared with CRAs. The Company will send information about your applications to CRAs and they will record this, even if your application does not proceed or is unsuccessful. This will include information from your credit application and about your financial situation and financial history. CRAs can give the Company both public information (e.g. electoral register) and shared credit, financial situation and financial history information and fraud prevention information.

The Company may use the data received to:

- ) Assess your creditworthiness;
- ) Verify the accuracy of the data you have provided;
- ) 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.

The Company may continue to exchange information about you with CRAs while you have a relationship with them, and may 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 the Company 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 the Company that you have a spouse or financial associate, the Company may 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 each of the three CRAs websites – using any of these three addresses will take you to the same CRA Information Notice (CRAIN) document:

Callcredit [www.callcredit.co.uk/crain](http://www.callcredit.co.uk/crain);

Equifax [www.equifax.co.uk/crain](http://www.equifax.co.uk/crain);

Experian [www.experian.co.uk/crain](http://www.experian.co.uk/crain).

**Transfer of Personal Data Outside the European Economic Area (“EEA”).** The Company may transfer your personal data to recipients (including affiliates) located in countries outside of the EEA, which may not have data privacy laws equivalent to those in the EEA. In such a case, the Company is under a duty to take all necessary steps to ensure the safety of your personal data in accordance with applicable data protection laws.

**Your rights.** Under applicable EU data privacy laws, you may have a right to: (i) request access to and rectification or erasure of your personal data; (ii) obtain restriction of processing or to object to processing of your personal data; (iii) withdraw your consent to the processing of your personal data; and (iv) data portability (i.e. to request the transfer of personal data from one data controller to another in certain circumstances). If you wish to exercise any of these rights you should contact the Data Privacy Officer(s) whose details will be given to you at the same time as you are informed about the identity of the Company. You also have the right to lodge a complaint about the processing of your personal data with your local data protection authority.

The Company may rely on automated credit assessment based on the personal data which we provide to it and data which it obtains from a credit reference agency or similar sources about your credit profile or history. The outcome of this process can result in an automated decline of your application where it does not meet the Company's acceptance criteria. The Company has a duty to review these acceptance criteria regularly to ensure fairness in the decisions made, and you have a right to ask it to manually review any decision taken in this manner.

**Security.** The Company is under a duty to take steps to protect your personal data against loss or theft, as well as from unauthorized access, disclosure, copying, use or modification, regardless of the format in which it is held.

**Retention.** When you are informed of the identity of the Company, you will also be informed of the policy it adopts regarding the retention of your personal data.

**Enquiries, Requests or Concerns.** All enquiries, requests or concerns regarding this Notice or relating to the processing of Personal Data, should be sent to our Data Privacy Officer using the following contact details **[broker to insert]** or to the Data Privacy Officer(s) whose details will be given to you at the same time as you are informed about the identity of the Company.

## Appendix 2a: MIVF Data Controller Notice

An application for finance has been submitted by **[broker details]**, which requires the processing of your personal data by the prospective funder. **[Broker name]** will have already provided you with a generic Fair Processing Notice, setting out details of the personal data which any such funder would require to obtain from you and from third parties in order to deal with this finance application, the processing it would carry out in respect of that data (including the subsequent retention of that data), and the basis for that processing.

This notice is to confirm that the application for finance has been submitted to MI Vehicle Finance Limited (MIVF). Further details of how MIVF will manage and use your data can be found <https://www.mannisland.co.uk/mivf-data-protection>, where you can also find details of the credit reference and fraud prevention agencies that MIVF use, and information about your data protection rights. MIVF is a member of the Investec Group of Companies, and may pass your data on to other companies within that group, some of which are located in countries outside the EEA (including in South Africa).

All enquiries, requests or concerns you may have regarding this notice, the earlier generic notice you were given, or relating to the processing of your personal data, should be sent to the MIVF Data Privacy Officer using the following contact details [AFGDataprivacy@investec.co.uk](mailto:AFGDataprivacy@investec.co.uk).

## Appendix 2b: Generic Funder Data Controller Notice

An application for finance has been submitted by **[broker details]**, which requires the processing of your personal data by the prospective funder. **[Broker name]** will have already provided you with a generic Fair Processing Notice, setting out details of the personal data which any such funder would require to obtain from you and from third parties in order to deal with this finance application, the processing it would carry out in respect of that data (including the subsequent retention of that data), and the basis for that processing.

This notice is to confirm that the application for finance has been submitted to [ ]. Further details of how [ ] will manage and use your data can be found at [www.\[ \]](http://www.[ ]), where you can also find details of the credit reference and fraud prevention agencies that [ ] use, and information about your data protection rights. [ ] is a member of the [ ] Group of Companies, and may pass your data on to other companies within that group [ ], some of which are located in countries outside the EEA].

All enquiries, requests or concerns you may have regarding this notice, the earlier generic notice you were given, or relating to the processing of your personal data, should be sent to the [ ] Data Privacy Officer using the following contact details [ ]

## Appendix 3: MIVF Fair Processing Notice

### MI VEHICLE FINANCE LIMITED DATA PROTECTION NOTICE TO INDIVIDUALS INVOLVED IN FINANCE APPLICATIONS

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**MI Vehicle Finance Limited** (“we”, “us”, “our”) is a finance company and part of the Investec group of companies (Investec). We are committed to processing your personal data in accordance with EU data protection laws. This Data Protection Notice aims to give you information on how your personal data (*i.e.*, information which directly or indirectly identifies you) are processed by us. For the purposes of EU data protection laws, we are a data controller. Further details of how we will manage your data can be found at <https://www.mannisland.co.uk/mivf-data-protection>.

**Data That May Be Collected.** We may collect certain personal data with respect to you as a customer, including, without limitation your name, address, date of birth, contact details, credit reference data, financial and employment details, banking and credit card details, and details of your business. We collect some of this data from third parties, for example credit reference agencies.

Where a corporate entity is entering into this contract we will collect personal data about the individuals who are directors and shareholders of the business from credit reference agencies (CRAs) where this data is held publicly, such as at Companies House. Where a partnership is entering into the contract, we may similarly collect personal data about the individual partners. This notice also applies to the processing of such personal data and use of the word ‘you’ in this notice will encompass such individuals.

We may process sensitive personal data (including, for example, information revealing an individual’s physical or mental health). Where sensitive personal data are processed we will obtain your explicit consent for the processing.

**Use of Personal Data.** We will use your personal data for: provision of products and services, credit and AML risk assessment, assessing ongoing credit performance, recoveries, collections, insurance administration, profiling for marketing purposes, market research and product development, statistical analysis, marketing, fraud prevention and detection and otherwise as necessary to comply with applicable laws, regulations and/or codes of practice. The processing of personal data may be undertaken with your consent, or where it is necessary for the performance of a contractual relationship or compliance with a legal obligation, or where it is in the legitimate interests of Investec.

**Disclosure to Certain Third Parties.** We may disclose certain personal data: (i) to Investec; (ii) to our brokers and dealers / suppliers, professional advisors and service providers (including, information technology systems providers and recovery agents); (iii) to courts, governmental and non-governmental regulators and ombudsmen; (iv) to fraud prevention agencies and law enforcement agencies; (v) to any third party that acquires, or is interested in acquiring, all or part of Investec’s assets or shares, or that succeeds Investec in carrying on all or a part of its business, whether by merger, acquisition, reorganization or otherwise; and (vi) as otherwise required or permitted by law.

We may also pass your Personal Data on to Investec and/or any relevant third party and both we and/or they may use it for any purpose linked to any sale of and/or granting of security over any agreement we may have with you. In such circumstances, such third parties may also use and/or disclose your Personal Data to any third party that they ask to assist them with the preparation for and/or completion of any such sale and/or granting of security; they may also, once such sale and/or granting of security is completed, use and/or disclose your Personal Data to third parties for any of the other purposes which we have outlined in this notice in the same way as if they had entered into an agreement with you instead of us.

The personal information we have collected 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, finance or employment. Further details of how your information will be used by us and these fraud prevention agencies for this purpose can be found on the Investec website at [www.investec.com/en\\_gb/Legal/UK/fraud-prevention-notice.html](http://www.investec.com/en_gb/Legal/UK/fraud-prevention-notice.html).

In order to process your application, we will perform credit and identity checks on you with one or more CRAs. To do this, we will supply your personal information to CRAs and they will give us information about you, even if your application does not proceed or is unsuccessful. 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;
- 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 each of the three CRAs websites – any of these three addresses will take you to the same CRA Information Notice (CRAIN) document:

Callcredit      [www.callcredit.co.uk/crain](http://www.callcredit.co.uk/crain);

Equifax          [www.equifax.co.uk/crain](http://www.equifax.co.uk/crain);

Experian         [www.experian.co.uk/crain](http://www.experian.co.uk/crain).

**Transfer of Personal Data Outside the European Economic Area (“EEA”).** We may transfer your personal data to recipients (including Investec companies) located in countries outside of the EEA, including in South Africa, which may not have data privacy laws equivalent to those in the EEA. In those instances, we will take all necessary steps to protect your personal data in accordance with applicable data privacy laws.

**Your rights.** Under applicable EU data privacy laws, you may have a right to: (i) request access to and rectification or erasure of your personal data; (ii) obtain restriction of processing or to object to processing of your personal data; (iii) withdraw your consent to the processing of your personal data; and (iv) data portability (i.e. to request the transfer of personal data from one data controller to another in certain circumstances). If you wish to exercise any of these rights you should contact the Data Privacy Officer as described below. You also have the right to lodge a complaint about the processing of your personal data with the UK data protection authority, whose contact details can be found at <https://ico.org.uk>.

We rely on automated credit assessment based on the personal data you provide to us and data which we obtain from our credit reference agency or similar sources about your credit profile or history. The outcome of this process can result in an automated decline of your application where it does not meet our acceptance criteria. We review these acceptance criteria regularly to ensure fairness in the decisions made. You have a right to ask us to manually review any decision taken in this manner.

In addition we may use automated profiling to identify whether other products or services may be of use to you when we consider marketing campaigns. You have a right to object to this automated profiling. This is separate to the right you have to object to receive marketing.

**Security.** We will take steps to protect your personal data against loss or theft, as well as from unauthorized access, disclosure, copying, use or modification, regardless of the format in which it is held.

**Retention.** We will normally retain your personal data for a period of 7 years from the latest date on which we have a financial arrangement in place with you. Under certain circumstances this period may vary if we consider it necessary for good operational or commercial reasons, or in order to meet other legal obligations.

**Marketing.** We and Investec may contact you periodically to provide information regarding events, products, services and content that may be of interest to you, unless you advise us that you do not wish to receive marketing or market research communications from us. If applicable law requires that we receive your consent before we send you certain types of marketing communications, we will only send you those types of communications after receiving your consent. If you wish to stop receiving marketing or market research communications from us or Investec you can contact the Data Privacy Officer as described below.

**Enquiries, Requests of Concerns.** All enquiries, requests or concerns regarding this Notice or relating to the processing of Personal Data, should be sent to the Data Privacy Officer using the following contact details **AFGDataprivacy@investec.co.uk**.

#### **Appendix 4: MIVF's DPA Policy (post 25/5/18)**

*NB This is to replace the DPA Policy currently forming Appendix 3 of the MIVF Broker Agreement (Invoice Chain) and Appendix 4 of the MIVF Broker Agreement (Introductions)*

1. We, MI Vehicle Finance Limited (MIVF), on behalf of ourselves and all associated companies within the Investec Group (collectively referred to as Group Companies), wish to ensure that we conform at all times with both the letter and the spirit of DPA Law, including but not limited to the General Data Protection Regulation 2016 (Regulation (EU) 2016/679) and the Data Protection Act 1998 (and any replacement for that Act). Furthermore, we expect all of our brokers to do the same.
2. In particular, we wish to ensure that we do not process "personal data" (as defined in DPA Law) without a lawful basis for processing and without the relevant individual being provided at the appropriate time with all required information. In the context of a finance proposal, this information will include in particular:
  - ) Our identity as a Data Controller of the individual's personal data;
  - ) Details of the personal data we will obtain;
  - ) Details of the processing we will undertake in respect of that data; and
  - ) Our grounds for carrying out that processing.
3. As a broker, it is your responsibility to ensure that you yourself comply fully with DPA Law in respect of the personal data which you will obtain in the course of your business. However, we also require that you comply with the terms of this DPA Policy in order to ensure that we are not in breach of DPA Law when we consider any finance proposal that you submit to us. Failure to comply strictly with the terms of this DPA Policy will be a breach of your broker agreement.
4. We recognise that when you first discuss a potential finance application with one of your customers, you may not know the identity of the finance company or companies to which you will in due course submit a finance proposal; also, that it would be commercially difficult for you to provide any relevant individuals with a separate tailored Fair Processing Notice ("FPN") for each finance company to which a proposal may be submitted.
5. In the circumstances, before you submit any proposal to MIVF, you must ensure that all individuals whose personal data MIVF will need to receive and/or obtain and/or process in connection with that proposal receive a copy of either our own MIVF FPN or the Generic Funder FPN (both as amended from time to time), copies of which are set out at the end of this DPA Policy. The MIVF FPN is also available on our point-of-sale system.
6. In addition, if you choose to use the Generic Funder FPN, we require that no later than the occurrence of the earliest of the following events, you provide each relevant individual with the additional information set out in the MIVF Data Controller Notice at the end of this DPA Policy:
  - ) Receipt from ourselves of confirmation that the proposal has been either approved or declined; or
  - ) The expiry of 28 days from the date on which the proposal was submitted to us.
7. We appreciate that you may have produced a generic funder FPN of your own and we do not object to your using this, provided that its content is equivalent to and consistent with our Generic Funder FPN and that it is followed up with the MIVF Data Controller Notice in accordance with paragraph 6. To the extent that it differs materially from our Generic Funder FPN, you must ensure that it is not used until MIVF has approved it and use of it without such approval will be treated as a breach of your broker agreement.
8. Confirmation that the terms of this DPA Policy have been strictly complied with must be recorded by you in respect of every finance application submitted to MIVF, with such records being retained for a minimum of 7 years.
9. Lastly, for the avoidance of doubt, we confirm that even if the circumstances of a given transaction make it difficult for you to directly inform or obtain consent from any relevant individual as required by your broker agreement or this DPA

Policy (for example, where finance is being arranged by one director/partner and you need to inform or obtain consent from his/her co-directors/partners), you must nevertheless still take such steps as are necessary to identify and to ensure that all relevant individuals receive the requisite Notices and provide appropriate consent.

## MIVF Fair Processing Notice

MI VEHICLE FINANCE LIMITED DATA PROTECTION NOTICE TO INDIVIDUALS INVOLVED IN FINANCE APPLICATIONS

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**MI Vehicle Finance Limited** (“we”, “us”, “our”) is a finance company and part of the Investec group of companies (Investec). We are committed to processing your personal data in accordance with EU data protection laws. This Data Protection Notice aims to give you information on how your personal data (*i.e.*, information which directly or indirectly identifies you) are processed by us. For the purposes of EU data protection laws, we are a data controller. Further details of how we will manage your data can be found at <https://www.mannisland.co.uk/mivf-data-protection>.

**Data That May Be Collected.** We may collect certain personal data with respect to you as a customer, including, without limitation your name, address, date of birth, contact details, credit reference data, financial and employment details, banking and credit card details, and details of your business. We collect some of this data from third parties, for example credit reference agencies.

Where a corporate entity is entering into this contract we will collect personal data about the individuals who are directors and shareholders of the business from credit reference agencies (CRAs) where this data is held publicly, such as at Companies House. Where a partnership is entering into the contract, we may similarly collect personal data about the individual partners. This notice also applies to the processing of such personal data and use of the word ‘you’ in this notice will encompass such individuals.

We may process sensitive personal data (including, for example, information revealing an individual’s physical or mental health). Where sensitive personal data are processed we will obtain your explicit consent for the processing.

**Use of Personal Data.** We will use your personal data for: provision of products and services, credit and AML risk assessment, assessing ongoing credit performance, recoveries, collections, insurance administration, profiling for marketing purposes, market research and product development, statistical analysis, marketing, fraud prevention and detection and otherwise as necessary to comply with applicable laws, regulations and/or codes of practice. The processing of personal data may be undertaken with your consent, or where it is necessary for the performance of a contractual relationship or compliance with a legal obligation, or where it is in the legitimate interests of Investec.

**Disclosure to Certain Third Parties.** We may disclose certain personal data: (i) to Investec; (ii) to our brokers and dealers / suppliers, professional advisors and service providers (including, information technology systems providers and recovery agents); (iii) to courts, governmental and non-governmental regulators and ombudsmen; (iv) to fraud prevention agencies and law enforcement agencies; (v) to any third party that acquires, or is interested in acquiring, all or part of Investec’s assets or shares, or that succeeds Investec in carrying on all or a part of its business, whether by merger, acquisition, reorganization or otherwise; and (vi) as otherwise required or permitted by law.

We may also pass your Personal Data on to Investec and/or any relevant third party and both we and/or they may use it for any purpose linked to any sale of and/or granting of security over any agreement we may have with you. In such circumstances, such third parties may also use and/or disclose your Personal Data to any third party that they ask to assist them with the preparation for and/or completion of any such sale and/or granting of security; they may also, once such sale and/or granting of security is completed, use and/or disclose your Personal Data to third parties for any of the other purposes which we have outlined in this notice in the same way as if they had entered into an agreement with you instead of us.

The personal information we have collected 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, finance or employment. Further details of how your information will be used by us and these fraud prevention agencies for this purpose can be found on the Investec website at [www.investec.com/en\\_gb/Legal/UK/fraud-prevention-notice.html](http://www.investec.com/en_gb/Legal/UK/fraud-prevention-notice.html).

In order to process your application, we will perform credit and identity checks on you with one or more CRAs. To do this, we will supply your personal information to CRAs and they will give us information about you, even if your application does not proceed or is unsuccessful. 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;
- 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 each of the three CRAs websites – any of these three addresses will take you to the same CRA Information Notice (CRAIN) document:

Callcredit [www.callcredit.co.uk/crain](http://www.callcredit.co.uk/crain);

Equifax [www.equifax.co.uk/crain](http://www.equifax.co.uk/crain);

Experian [www.experian.co.uk/crain](http://www.experian.co.uk/crain).

**Transfer of Personal Data Outside the European Economic Area (“EEA”).** We may transfer your personal data to recipients (including Investec companies) located in countries outside of the EEA, including in South Africa, which may not have data privacy laws equivalent to those in the EEA. In those instances, we will take all necessary steps to protect your personal data in accordance with applicable data privacy laws.

**Your rights.** Under applicable EU data privacy laws, you may have a right to: (i) request access to and rectification or erasure of your personal data; (ii) obtain restriction of processing or to object to processing of your personal data; (iii) withdraw your consent to the processing of your personal data; and (iv) data portability (i.e. to request the transfer of personal data from one data controller to another in certain circumstances). If you wish to exercise any of these rights you should contact the Data Privacy Officer as described below. You also have the right to lodge a complaint about the processing of your personal data with the UK data protection authority, whose contact details can be found at <https://ico.org.uk>.

We rely on automated credit assessment based on the personal data you provide to us and data which we obtain from our credit reference agency or similar sources about your credit profile or history. The outcome of this process can result in an automated decline of your application where it does not meet our acceptance criteria. We review these acceptance criteria regularly to ensure fairness in the decisions made. You have a right to ask us to manually review any decision taken in this manner.

In addition we may use automated profiling to identify whether other products or services may be of use to you when we consider marketing campaigns. You have a right to object to this automated profiling. This is separate to the right you have to object to receive marketing.

**Security.** We will take steps to protect your personal data against loss or theft, as well as from unauthorized access, disclosure, copying, use or modification, regardless of the format in which it is held.

**Retention.** We will normally retain your personal data for a period of 7 years from the latest date on which we have a financial arrangement in place with you. Under certain circumstances this period may vary if we consider it necessary for good operational or commercial reasons, or in order to meet other legal obligations.

**Marketing.** We and Investec may contact you periodically to provide information regarding events, products, services and content that may be of interest to you, unless you advise us that you do not wish to receive marketing or market research communications from us. If applicable law requires that we receive your consent before we send you certain types of

marketing communications, we will only send you those types of communications after receiving your consent. If you wish to stop receiving marketing or market research communications from us or Investec you can contact the Data Privacy Officer as described below.

**Enquiries, Requests of Concerns.** All enquiries, requests or concerns regarding this Notice or relating to the processing of Personal Data, should be sent to the Data Privacy Officer using the following contact details [AFGDataprivacy@investec.co.uk](mailto:AFGDataprivacy@investec.co.uk).

### Generic Funder Fair Processing Notice

We have been asked to assist you in obtaining finance. This process will involve the processing of your personal data. This Data Protection Notice is intended to give you information on how this personal data (*i.e.*, information which directly or indirectly identifies you) will be processed by any company to which we submit a finance application on your behalf. We have not yet identified the finance company or companies to which such an application should be submitted. You will be given details in due course of their identity, but for present purposes we will refer to any such company in this notice as "the Company".

For the purposes of EU data protection laws, the Company will be a data controller.

**Data That May Be Collected.** The Company may collect certain personal data with respect to you, including, without limitation, your name, address, date of birth, contact details, credit reference data, financial and employment details, banking and credit card details, director or shareholder roles, income and details of your business. The Company may collect some of this data from third parties, for example credit reference agencies.

Where your business is a corporate entity, the Company may collect personal data about the directors and shareholders of the business from credit reference agencies (CRAs) where this data is held publicly, such as at Companies House. Where a partnership is applying, the Company may similarly collect personal data about the individual partners. This notice also applies to the processing of such personal data and use of the word 'you' in this notice will encompass such individuals.

The Company may process sensitive personal data (including, for example, information revealing an individual's physical or mental health). Where sensitive personal data are processed the Company must obtain your explicit consent for the processing.

**Use of Personal Data.** The Company will use your personal data for: provision of products and services, credit and AML risk assessment, profiling for marketing purposes, market research and product development, statistical analysis, marketing, fraud prevention and detection and otherwise as necessary to comply with applicable laws, regulations and/or codes of practice. The processing of personal data may be undertaken with your consent, or where it is necessary for the performance of a contractual relationship or compliance with a legal obligation, or where it is in the legitimate interests of the Company or a member of any group of companies to which the Company belongs.

**Disclosure to Certain Third Parties.** The Company may disclose certain personal data: (i) within any group of companies to which the Company belongs; (ii) to the Company's brokers and dealers / suppliers, professional advisors and service providers (including, information technology systems providers); (iii) to courts, governmental and non-governmental regulators and ombudsmen; (iv) to fraud prevention agencies and law enforcement agencies; (v) to any third party that acquires, or is interested in acquiring, all or part of the Company's assets or shares, or that succeeds the Company in carrying on all or a part of its business, whether by merger, acquisition, reorganization or otherwise; and (vi) as otherwise required or permitted by law.

In particular, the Company may share the personal data it collects 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, finance or employment. Further details of how your information will be used by us and these fraud prevention agencies, and your data protection rights can be found at **[broker to insert]** or by contacting the Data Privacy Officer(s) whose details will be given to you at the same time as you are informed about the identity of the Company.

In addition, in order to process your application for finance, your personal data will be shared with CRAs. The Company will send information about your applications to CRAs and they will record this, even if your application does not proceed or is unsuccessful. This will include information from your credit application and about your financial situation and financial history. CRAs can give the Company both public information (e.g. electoral register) and shared credit, financial situation and financial history information and fraud prevention information.

The Company may use the data received to:

- ) Assess your creditworthiness;
- ) Verify the accuracy of the data you have provided;
- ) 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.

The Company may continue to exchange information about you with CRAs while you have a relationship with them, and may 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 the Company 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 the Company that you have a spouse or financial associate, the Company may 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 each of the three CRAs websites – using any of these three addresses will take you to the same CRA Information Notice (CRAIN) document:

Callcredit [www.callcredit.co.uk/crain](http://www.callcredit.co.uk/crain);

Equifax [www.equifax.co.uk/crain](http://www.equifax.co.uk/crain);

Experian [www.experian.co.uk/crain](http://www.experian.co.uk/crain).

**Transfer of Personal Data Outside the European Economic Area (“EEA”).** The Company may transfer your personal data to recipients (including affiliates) located in countries outside of the EEA, which may not have data privacy laws equivalent to those in the EEA. In such a case, the Company is under a duty to take all necessary steps to ensure the safety of your personal data in accordance with applicable data protection laws.

**Your rights.** Under applicable EU data privacy laws, you may have a right to: (i) request access to and rectification or erasure of your personal data; (ii) obtain restriction of processing or to object to processing of your personal data; (iii) withdraw your consent to the processing of your personal data; and (iv) data portability (i.e. to request the transfer of personal data from one data controller to another in certain circumstances). If you wish to exercise any of these rights you should contact the Data Privacy Officer(s) whose details will be given to you at the same time as you are informed about the identity of the Company. You also have the right to lodge a complaint about the processing of your personal data with your local data protection authority.

The Company may rely on automated credit assessment based on the personal data which we provide to it and data which it obtains from a credit reference agency or similar sources about your credit profile or history. The outcome of this process can result in an automated decline of your application where it does not meet the Company's acceptance criteria. The Company has a duty to review these acceptance criteria regularly to ensure fairness in the decisions made, and you have a right to ask it to manually review any decision taken in this manner.

**Security.** The Company is under a duty to take steps to protect your personal data against loss or theft, as well as from unauthorized access, disclosure, copying, use or modification, regardless of the format in which it is held.

**Retention.** When you are informed of the identity of the Company, you will also be informed of the policy it adopts regarding the retention of your personal data.

**Enquiries, Requests or Concerns.** All enquiries, requests or concerns regarding this Notice or relating to the processing of Personal Data, should be sent to our Data Privacy Officer using the following contact details [**broker to insert**] or to the Data Privacy Officer(s) whose details will be given to you at the same time as you are informed about the identity of the Company.

## MIVF Data Controller Notice

An application for finance has been submitted by **[broker details]**, which requires the processing of your personal data by the prospective funder. **[Broker name]** will have already provided you with a generic Fair Processing Notice, setting out details of the personal data which any such funder would require to obtain from you and from third parties in order to deal with this finance application, the processing it would carry out in respect of that data (including the subsequent retention of that data), and the basis for that processing.

This notice is to confirm that the application for finance has been submitted to MI Vehicle Finance Limited (MIVF). Further details of how MIVF will manage and use your data can be found at <https://www.mannisland.co.uk/mivf-data-protection>, where you can also find details of the credit reference and fraud prevention agencies that MIVF use, and information about your data protection rights. MIVF is a member of the Investec Group of Companies, and may pass your data on to other companies within that group, some of which are located in countries outside the EEA (including in South Africa).

All enquiries, requests or concerns you may have regarding this notice, the earlier generic notice you were given, or relating to the processing of your personal data, should be sent to the MIVF Data Privacy Officer using the following contact details [AFGDataprivacy@investec.co.uk](mailto:AFGDataprivacy@investec.co.uk)

## **Appendix 5: MIVF DPA warranty (post 25/5/18)**

*NB This warranty replaces Warranty 2 in Part A of the "Warranty list" currently forming Appendix 2 of the MIVF Broker Agreement (Invoice Chain) and Appendix 3 of the MIVF Broker Agreement (Introductions)*

2. The Broker has complied strictly at all times with both DPA Law and the terms of MIVF's DPA Policy; in particular, that the Broker has ensured that all relevant individuals have been provided prior to first submission of the Proposal either with MIVF's current Fair Processing Notice or with MIVF's Generic Fair Processing Notice (or the Broker's equivalent generic funder notice); and that, where the MIVF Generic Fair Processing Notice (or the Broker's equivalent generic funder notice) has been provided before submission of the Proposal, the Broker has in addition provided the MIVF Data Controller Notice set out in MIVF's DPA Policy.