

PRIVACY NOTICE

We ask that you read this Privacy Notice carefully as it contains important information about i) who we are, ii) how and why we collect, store, use and share your personal information, iii) your rights in relation to your personal information and iv) how to contact us (and the relevant supervisory authorities) in the event that you have a complaint.

1. Introduction

1.1 We, Bibby Financial Services Limited (“BFS”) and our group companies collect, use and are responsible for certain personal information about the customers of our clients, including you. Details of our UK operating companies can be viewed here (<https://www.bibbyfinancialservices.com/contact-us>) and a full list of our group companies can be obtained from our data protection officer (“DPO”). When we do so we are regulated under the General Data Protection Regulation (“GDPR”) which applies across the European Union (including in the United Kingdom) and under any local legislation which implements or supplements the GDPR (including, in the UK, the Data Protection Act 2018) and we are responsible as “controller” of that personal information for the purposes of those laws. Reference in this Privacy Notice to “we”, “us” and “our” refers to BFS and the operating company with whom Your Supplier (as defined in section 1.2 below) has a relationship.

1.2 We are committed to the protection of your privacy and you can find out more about your privacy rights and how we gather, use and share your personal information (being the personal information we already hold about you and the further personal information we might collect about you, either from you or from a third party) in this Privacy Notice. How we use your personal information will depend on i) our relationship with you and ii) on the products and services we provide to our client (i.e. your supplier (or to the supplier of any company or limited liability partnership (each, a “Connected Company”) of which you are a corporate officer, owner, member or partner) (“Your Supplier”)).

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

1.4 Our DPO provides us with help and guidance to ensure we apply the best standards to protecting your personal information. If you have any questions about how we use your personal information you can contact our DPO by email at DPO.UK@bibbyfinancialservices.com or by post sent to The Data Protection Officer, Bibby Financial Services Limited, Pembroke House, Banbury Business Park, Aynho Road, Adderbury OX17 3NS. See section 2 (Your privacy rights) for more information about your rights and how our DPO can help you. Please visit our website (www.bibbyfs.co.uk/PN) to view a copy of our up to date full privacy notice at any time.

1.5 This Privacy Notice provides up to date information about how we use your personal information and updates any previous information we have given you about our use of your personal information. We will update this Privacy Notice if we make any significant changes affecting how we use your personal information and we will contact you to let you know about the changes.

2. Your privacy rights

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

- object, in certain circumstances, to how we use your personal information. If you wish to exercise this right, please contact our DPO, providing details of your objection;
- request access to a copy of your personal information which we hold, along with details of what personal information we use, why we use it, who we share it with, how long we keep it for and whether it has been used for any automated decision making. You can make a request for access free of charge by contacting our DPO. Please make all requests for access in writing, and provide us with evidence of your identity;
- ask us to correct inaccuracies, to complete any incomplete personal information, to delete or restrict personal information or to ask for some of your personal information to be provided to someone else;
- withdraw your consent (if you have given us your consent to use your personal information) and update your marketing preferences by contacting us directly on **0800 919592**;
- ask us to delete your personal information where it is no longer necessary for us to use it, where you have withdrawn consent, or where we have no lawful basis for keeping it;
- ask us to provide you or a third party with some of the personal information that we hold about you in a structured, commonly used, electronic form, so it can be easily transferred; and
- ask us to restrict the personal information we use about you where you have asked for it to be erased or where you have objected to our use of it.

For further information in relation to these rights, including the circumstances in which they apply, please see the guidance from the UK Information Commissioner’s Office (“ICO”) on individuals’ rights under the GDPR which can be accessed at <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights>.

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

3. What categories of personal information do we use?

3.1 We use a variety of personal information depending on the products and services we provide to Your Supplier or to you (or a Connected Company). For most products and services which we provide we need your name, your business address and your contact details (including email address and phone numbers) as well as information about your credit history.

3.2 For some products and services we may need to use additional personal information which we will gather about you (or a Connected Company) and which may include information about your financial position (including your credit history and details of any payment

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defaults with Your Supplier), details of any criminal prosecutions and details of bankruptcy or any County Court Judgements. This information will be used for funding decisions in relation to Your Supplier and, in some cases, to meet our own legal obligations.

4. How do we gather your personal information?

We obtain personal information about you:

- from Your Supplier;
- in some cases directly from you;
- from other organisations such as credit reference and fraud prevention agencies (who might provide information in relation to a Connected Company); and
- from third parties.

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

5. How we use your personal information

For the vast majority of products and services which we make available to Your Supplier or to you, we need your name, business address and contact details. Further details of the categories of personal information which we need about you are provided in section 3 above.

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

5.1 To operate and administer any funding facility we have made/may make available to Your Supplier, we will use:

- a. your contact details;
- b. details of your contractual arrangements with Your Supplier (including payment terms and details of any payment defaults);
- c. copies of invoices sent to you by Your Supplier along with documents which evidence proof of delivery and/or provision of services;
- d. copies of purchase orders between you and Your Supplier;
- e. copies of invoices sent to you by Your Supplier;
- f. copies of credit notes issued to you by Your Supplier; and
- g. the amount of monies owing by you to Your Supplier.

We use this information to verify debts which Your Supplier is asking us to fund. We also use this information to assist us in collecting debts due from you and to obtain bad debt protection insurance quotes and cover from our insurers. We may use this information to assist any actual or potential guarantor or indemnifier of Your Supplier in assessing its obligations to us. It is in our legitimate interests to

ensure that the debts which we are being asked to fund exist and are likely to be paid. It is in our legitimate interests to obtain insurance cover in respect of those debts and to take steps to collect those debts.

5.2 To administer payments from you, we will use:

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

We may give this information to our third party payment providers to process payments from you or otherwise in respect of payments being made to us. We use your details in this way because it is necessary to ensure that your contractual payment obligations to Your Supplier are met and because it is in our legitimate interests to collect debts due to us.

5.3 To make credit decisions about you or Your Supplier, including new applications for funding or requests to increase funding limits, we will use:

- a. information about your credit history and financial position;
- b. information we receive from third party credit reference agencies and fraud prevention agencies; and
- c. information we receive about you directly from other third parties.

For this purpose, we share information with credit reference and fraud prevention agencies (a list of such credit reference agencies can be obtained from our DPO using the details contained in section 1 above). The information could then be used as follows:

- a. the credit reference or fraud prevention agency might add details of our search and your credit application to the records they hold about you, whether or not your application proceeds;
- b. we and the credit reference or fraud prevention agency might link your financial records to those of any person you are financially linked to – this means that each other's information (including information already held by us or the credit reference agency) will be taken into account in all future credit applications by you (or such financially linked person), until one of you successfully files a 'disassociation' at the credit reference agencies;
- c. we might add details of your payment history to the credit reference or fraud prevention agency's records, including details of any default or failure to keep to the payment terms of your agreement with Your Supplier;
- d. the credit reference or fraud prevention agency could pass on any of that information to other companies unrelated to us for the credit checking and fraud prevention purposes mentioned above; and
- e. the credit reference or fraud prevention agency will also use the information for statistical analysis about credit, insurance and fraud on an anonymous basis.

When credit reference agencies receive a search from us, they will place a search footprint on your credit file that may be seen by other lenders and other companies unrelated to us (for example, other funders and credit providers).

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Further details of the credit reference agencies (and the ways in which they use and share personal information) are explained in more detail at www.experian.co.uk (Experian can also be contacted on 0800 013 88 88) and at www.equifax.co.uk (Equifax can be contacted on 0800 014 2955).

We use your information in this way because i) it is necessary to meet our legal obligations and ii) because it is in our legitimate interests to understand your financial position and to promote responsible lending.

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

- a. any information you have given us, that we have obtained from a third party, or that we have obtained through our relations with you, where it is necessary for us to use that information to comply with a legal obligation; and
- b. this information will include name, address, your IP address, and information about any criminal convictions.

We will give information to and receive information from third parties where that is necessary to meet our legal obligations, including credit reference agencies, fraud prevention agencies, the police and other law enforcement and government agencies, banks and regulators. Fraud prevention agencies may use your information as set out in paragraph 5.3 above

5.5 For financial management and debt recovery purposes, we will use:

- a. your contact details; and
- b. information we obtain from our relations with you.

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

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

5.6 To carry out market research and analysis to develop and improve our products and services we will use:

information we have gathered about you during our relations with you. We use your information in this way because it is in our interests to do so for the purpose outlined above.

We may pass your personal information to market research companies and other service providers as required. We will only do this where we have obtained your consent.

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

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

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

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

5.8 To comply with our obligations to supply details of our business (and its performance) to our funders, their agents and representatives and our auditors we may use your name, your contact information, your bank account details, details of the amount of funding owed to us and details of any payments made by you to us.

We use your information in this way in order to comply with our own funding arrangements and agreements (and a failure to comply would mean that we would be unable to provide Your Supplier with the funding they need) or our audit obligations (which we have a lawful obligation to comply with). Typically, your information may be included within reports we issue to our funders (or their agents and representatives) which might, for example, provide those recipients with details of our top debtors (in terms of size of debt) or which might detail the debtors of a new client (including your supplier). We also use this information to comply with our audit obligations (which we have a lawful obligation to comply with).

Connected Companies and Key Individuals - personal information requirements

For a Connected Company, we will use personal information about Key Individuals as set out in the preceding paragraphs of this section 5, and we may use it for any of the purposes described in this section 5.

6. Automated decision making

We want you to get the most relevant information about our products and services at the right time. The most effective way for us to do this is to use automated processes to create a profile of you for marketing. To carry out marketing profiling we use information (which may have been obtained from you, from Your Supplier, obtained from credit reference agencies, extracted by us based on our relationship with you (including your credit history us), arising from any feedback which you have provided to us or obtained from other external data sources) to create a profile of you.

7. Our lawful basis for using your personal information

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

1. we have your consent;
2. we need to use the information to comply with our legal obligations;
3. we need to use the information to perform a contract with you or to take steps at your request before a contract is entered into; and/or
4. it is in our interests or someone else's interests to use the personal information and your interests in protecting your personal information do not override this – this will include where it is in our interests to use your personal information to decide whether to make a funding facility available to Your Supplier and to fulfil

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the terms of any such funding facility (for example allowing us to performing a credit control function for Your Supplier to collect debts due by you to Your Supplier) and, in some cases, to contact you about products or services, to market to you, or to collaborate with others to improve our services.

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

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

1. we have a legal obligation to do so (for example to protect vulnerable people);
2. it is necessary for us to do so to protect your vital interests (for example if you have a severe and immediate medical need whilst on our premises);
3. it is in the substantial public interest;
4. it is necessary for the prevention or detection of crime;
5. it is necessary for insurance purposes; or
6. you have specifically given us explicit consent to use the information.

7.3 More information about our lawful basis for processing your personal information is contained in section 5 above.

8. Sharing your personal information

8.1 We may share personal information with one or more of our group companies (please see section 1 above for a link to details of our UK operating companies) and with other third parties where we need to do that in connection with a facility made available to Your Supplier, to market products and services to you, to meet or enforce a legal obligation or where it is fair and reasonable for us to do so. We will only share your personal information to the extent needed for those purposes.

8.2 Who we share your personal information with depends on our relationship with you (or any Connected Company) and on the products and services we provide to Your Supplier and the purposes we use your personal information for. We may share your personal information with Your Supplier, with our own service providers such as our audit contractors (for the purposes of carrying out audits in relation to Your Supplier), with our (or Your Supplier's) insurers in order to obtain bad debt insurance quotes and cover, with IT suppliers, with credit reference agencies and with fraud prevention agencies. We may share your information with any person who is/ may become a guarantor of any of the facilities we make available to Your Supplier. We may also share your information with others such as third parties approved by you, external contractors, suppliers,

consultants, third party agencies and representatives, our professional advisers and, in some cases, our own funders and their agents and representatives (or the funders and professional advisers of Your Suppliers). We may also you're your information to any person to whom we wish to assign our rights under any facility made available to Your Supplier. If practical these recipients of the information will be bound by confidentiality obligations. We may also be required to share some personal information with the Government or any industry regulators (where we are required to do so by law or to assist with their investigations or initiatives), such as the Financial Conduct Authority, HMRC, the Home Office, the Information Commissioners Office or the courts, or with the police, law enforcement or security services (to assist with the investigation and prevention of crime and the protection of national security). See section 5 (How we use your personal information) for more information about who we share your personal information with and why.

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

9. Transfers of information outside the European Economic Area ("EEA")

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

9.2 We will only transfer your personal information outside the EEA where either i) the transfer is to a country which ensures an adequate level of protection for your personal information (as determined by the European Commission) or ii) we have put in place measures to ensure adequate security for your personal information (in accordance with Article 46 of the GDPR). These measures include ensuring that your personal information is kept safe by carrying out strict security checks on our overseas partners and suppliers, backed by strong contractual undertakings such as the EU style model clauses. We also use the EU Commission approved EU-US Privacy Shield when we transfer personal information to the US.

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

10. How long we keep your personal information for

10.1 How long we keep your personal information for depends on the products and services we deliver to Your Supplier. We keep your personal information for so long as we make funding available to Your Supplier against your debts (or those of a Connected Company) but will never retain your personal information for any longer than is necessary for the purposes we need to use it for.

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10.2 We generally keep the personal information we use for at least seven years after the end of any facility which we make available to Your Supplier or from the date Your Supplier last used one of our services. In some circumstances we will hold personal information for longer than stated above where we believe that this is necessary for active or potential legal proceedings or to resolve or defend claims.

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

11. Keeping you up to date

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

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