

## DELL BANK INTERNATIONAL D.A.C DATA PROTECTION STATEMENT - USE OF PERSONAL DATA<sup>1</sup>

### 1. Introduction & Scope

This Data Protection Statement (“**Statement**”) sets out how we, Dell Bank International d.a.c., trading as Dell Financial Services, incorporated and located in Ireland, will process and share any personal data that you may provide to us or that we may otherwise obtain about you. For the purposes of this Statement, all references to “**DFS**”, “**we**” or its derivatives mean Dell Bank International d.a.c. (trading as Dell Financial Services). DFS provides financial services to commercial customers in Europe.

We primarily collect and process information relating to the business activities of the organisation that you work for or represent. However, in order to complete your organisation’s application process for financial services and during the term of any finance agreement with us, we are also required to collect and process certain information relating to individuals connected to the organisation (such as employees, officers, directors and owners). This is when we may collect and process information about you, as described in this Statement.

We are the “controller” of any information we process that is personal data – this means we are legally responsible for ensuring such processing is in compliance with applicable privacy laws.

### 2. Types of Personal Data collected and sources

The personal data that we obtain about you (either directly from you or indirectly from third parties (including online sources) may include: your name, job title, date of birth, residential address, contact details such as email and telephone numbers and proof of identity which may include photographic ID and the results of any checks we carry out about you (see further section 3).

The third parties from whom we may obtain information about you may include: credit and fraud prevention agencies; our business partners, agents and other companies within our group; public registers; information we obtain from internet searches; insurance companies, brokers and administrators; auditors, regulators and supervisory bodies, public authorities and law enforcement agencies.

### 3. Use of Personal Data

We may use your personal data to assist us in making business and credit related decisions and to manage our relationship with your organisation, including to:

- assess any application for credit or financing that we may receive from your organisation (including for profiling purposes);
- conduct searches and monitoring with credit reference or fraud prevention agencies in order to verify your organisation’s credit history, take decisions about credit and prevent fraud;
- identify and verify your organisation, officers, directors, signatories, Ultimate Beneficial Owners and/or other related parties;
- conduct politically exposed persons and sanctions screening checks on an ongoing basis as may be required by law;
- process any contract or business arrangement with your organisation;
- manage your organisation’s account and provide services to your organisation;
- undertake statistical analysis and business reporting;
- comply with applicable law and regulations.
- Subject to your consent being provided (where required), we may also use your information to communicate to you (by email, telephone and/or post) details of events, marketing initiatives, surveys or promotional offers.

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<sup>1</sup> If you are a UK or Ireland Customer or Individual, please read the relevant “Additional Information” sections for your country below.

We may record and/or monitor communications (such as telephone conversations, emails, fax and other methods of electronic communications) for any of the purposes listed above and also to:

- provide training to our employees and persons acting on our behalf
- provide you with administrative and support services;
- monitor and audit quality and compliance with our own policies and procedures;
- assist with preventing, detecting and investigating potential or actual cases of abuse, fraud, crime or security breach.

#### **4. Disclosure of Personal Data**

We may, for any of the purposes described above, disclose your personal data to other companies within our group, to third parties who act on our behalf or provide services to us and/or to regulators and law enforcement agencies. This includes:

- credit reference and fraud prevention agencies (see additional information in section 13 below);
- Information Technology systems and software providers (databases, applications, cloud and online services);
- companies providing contract administration and support services, such as customer care and payment processing;
- advisers, agents such as debt collection agents and remarketing agents and brokers;
- insurance companies, brokers and administrators;
- banks, funding providers or funding vehicles;
- marketing and online service providers;
- auditors, regulators, supervisory bodies, public authorities and/or law enforcement agencies.

We may also transfer any of our rights and/or responsibilities under any contract or business arrangement with your organisation to any third party, each of whom may also use such information in the ways described in this Statement.

We may also disclose your personal data where you authorise us to do so.

#### **5. Transfers outside of the United Kingdom**

In order to use, disclose and process personal data for the purposes and to the recipients described above, we may transfer your personal data to countries outside the United Kingdom to companies, business partners or service providers of the Dell Technologies group including, without limitation those located in the European Economic Area (EEA), the United States of America (USA), India, Brazil and Morocco, with whom we have appropriate contractual and security safeguards in place. This may involve the transfer of your personal data to countries that do not provide the same level of data protection as your home country. We will put in place adequate and appropriate protections to safeguard your personal data, including technical and organisational security measures. To find out more about these data transfers or to exercise your rights, please contact us (contact details provided below).

#### **6. Legal basis for processing**

The legal basis for the collection and processing of your personal data is as follows:

Dell Financial Services' legitimate interests which include:

- the processing of an application for, or the provision of, financial products and services and or the performance of a contract, provided always that our legitimate interests do not prejudice or harm your rights and freedoms; and/or
- complying with legal and regulatory obligations.

Dell Financial Services will obtain your consent for direct marketing activities (where required). You are free to withdraw your consent at any time.

## 7. Your rights in respect of personal data

You have certain legal rights in respect of the processing of your personal data. These include a right to:

- (i) request the rectification of inaccurate personal data that we process about you or request that we complete any data about you that is incomplete;
- (ii) object to the processing of your personal data which we process on the basis of our legitimate interests (see above);
- (iii) request the erasure of your personal data (subject to certain conditions);
- (iv) request information about how we process your personal data and obtain a copy of that personal data;
- (v) object to decisions being made about you based solely on automated processing if that decision produces legal effects about you or significantly affects you;
- (vi) request that we restrict the processing of your personal data so that we no longer process it until the restriction is lifted;
- (vii) request that your personal data be provided to you in a structured, commonly used and machine-readable format and to have that information transmitted to another organisation in certain circumstances; and/or
- (viii) lodge a complaint with a supervisory authority if you consider that our processing of your personal data infringes applicable privacy law.

## 8. Automated decision making

We may make automated decisions on your organisation when assessing a financial application. This may involve the use of your personal data if you are a director or owner of your organisation. The impact of an automated decision will be to establish a risk profile, to determine whether to provide credit and/or the cost of such credit to your organisation.

## 9. Retention of personal data

We will hold your personal data for as long as necessary in connection with the purposes described in this Statement and in accordance with our retention policy and applicable law. You can request further information by writing to us (contact details provided below).

## 10. How we secure your personal data

We take all reasonable steps to protect your personal data from misuse, interference and loss, as well as unauthorised access, modification or disclosure. The ways we do this include:

- having in place technical and organisational measures designed to ensure the ongoing integrity, availability and resilience of processing systems and services;
- limiting physical access to our premises;
- limiting access to the information we collect about you;
- ensuring that we, and those that we share your information with, have appropriate security safeguards to keep personal data secure; and
- where required by law, destroying or de-identifying your personal data.

## 11. Contact Us

Should you have any question in relation to this Statement or the way we process your personal data, please contact us:

**Post:**

FAO: Data Privacy Manager, Dell Bank International d.a.c / Dell Financial Services, P.O. Box 12335, Dublin 18, Ireland.

**Email:** [dfs\\_emea\\_privacy@dell.com](mailto:dfs_emea_privacy@dell.com)

## 12. Changes to this Statement

We will occasionally update this Statement. If we make changes to this Statement or make any material changes to how we use your personal data, we will revise this Statement to reflect such changes and revise this Statement's effective date, included at the bottom of this Statement. We encourage you to periodically review this Statement to be informed of how we are using and protecting your personal data.

## 13. Additional Information for UK Organisations

### Credit Reference Agencies

We use the services of Credit Reference Agencies to support our decision-making process on finance applications. If you wish to know more about how your data is processed, please consult the Credit Reference Agency Information Notice (CRAIN): <http://www.experian.co.uk/crain/index.html>.

### CIFAS

We are a member of CIFAS, the CIFAS National Fraud Database. As part of our membership, we consult and report information on fraud events and fraud suspicions.

- 1: Before we provide services, goods or financing to you, we undertake checks for the purposes of preventing fraud and money laundering, and to verify your identity. These checks require us to process personal data about you.
- 2: The personal data you have provided, we have collected from you, or we have received from third parties will be used to prevent fraud and money laundering, and to verify your identity.
- 3: Details of the personal information that will be processed include, for example: name, address, date of birth, contact details, financial information and employment details.
- 4: We and fraud prevention agencies may also enable law enforcement agencies to access and use your personal data to detect, investigate and prevent crime.
- 5: We process your personal data on the basis that we have a legitimate interest in preventing fraud and money laundering, and to verify identity, to protect our business and to comply with laws that apply to us. Such processing is also a contractual requirement of the services or financing you have requested.
- 6: Fraud prevention agencies can hold your personal data for different periods of time, and if you are considered to pose a fraud or money laundering risk, your data can be held for up to six years.

### Automated decisions

As part of the processing of your personal data, decisions may be made by automated means. This means we may automatically decide that you pose a fraud or money laundering risk if our processing reveals your behaviour to be consistent with money laundering or known fraudulent conduct, or is inconsistent with your previous submissions, or you appear to have deliberately hidden your true identity. You have rights in relation to automated decision making: if you want to know more please contact us using the details above.

### Consequences of processing

1. If we, or a fraud prevention agency, determine that you pose a fraud or money laundering risk, we may refuse to provide the services or financing you have requested, or to employ you, or we may stop providing existing services to you.
2. A record of any fraud or money laundering risk will be retained by the fraud prevention agencies, and may result in others refusing to provide services, financing or employment to you. If you have any questions about this, please contact us on the details above.

### **Data Transfers**

1. Whenever fraud prevention agencies transfer your personal data outside of the European Economic Area or the United Kingdom, they impose contractual obligations on the recipients of that data to protect your personal data to the standard required in the European Economic Area or the United Kingdom, as the case may be. They may also require the recipient to subscribe to 'international frameworks' intended to enable secure data sharing.

### **Your rights**

1. Your personal data is protected by legal rights, which include your rights to: object to our processing of your personal data; request that your personal data is erased or corrected; and request access to your personal data.
2. For more information or to exercise your data protection rights, please contact us using the contact details above in section 11.
3. You also have a right to complain to the Data Protection Commissioner of Ireland which regulates the processing of personal data.

Effective date: [1<sup>st</sup> February 2020](#)