

## GDPR Communication to MIF Dealers

### 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 dealers in protecting themselves from the consequences of a breach. Essentially, the changes to our required process are as follows:

- 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.
- 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 have and retain evidence of such consent), but you will in future, in addition, need to ensure that at the earliest possible 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 us, whether we are acting in our capacity as a broker (ie, as Mann Island Finance Limited - MIF) or as a funder (ie, MI Vehicle Finance Limited - MIVF).
- 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 but, **where you are introducing business to MIF, we will require you to provide each prospective customer with MIF's own FPN** (attached as Appendix 1) at any time before the proposal is submitted to us.
- **The MIF 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.
- We do not believe that implementation of the new process requires amendment to the terms of your existing agreement with MIF (set out in our "Terms of Business – dealer offer and warranty" document ) but it does require a minor change to Mann Island Finance's Data Protection Policy, which is appended to those Terms of Business. Accordingly, we now give you notice of variation that, for the purpose of those Terms of Business, "MIF's DPA Policy" will mean the policy incorporating these GDPR requirements, attached at Appendix 2. This variation will take effect from 25th May 2018:
- We will be happy to answer any queries you may have regarding the above.

**Dealer Encs:            Appendix 1: MIF Fair Processing Notice**

**Appendix 2: MIF DPA Policy (post 25/5/18)**

## Appendices for MIF Dealers

### Dealer Appendix 1 – MIF Fair Processing Notice

#### MANN ISLAND FINANCE LIMITED DATA PROTECTION NOTICE TO INDIVIDUALS INVOLVED IN FINANCE APPLICATIONS

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We are Mann Island Finance Limited (MIF), a finance broker, and 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 us and/or 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 will be submitted (and so we will refer to any such company in this notice as "the Company") but full details of how each of the particular finance companies we use will process personal data relating both to applicants and customers can be found at <https://www.midos.co.uk/gdpr/funders>.

Where the Company is MI Vehicle Finance Limited (MIVF), a finance company linked to MIF, 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 uses, and information about your data protection rights. Both MIF and MIVF are members 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).

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

**Data That May Be Collected.** We and the Company may each 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 similar details. We and/or the Company may collect some of this data from third parties, for example credit reference agencies.

Where a corporate entity is applying for finance, we and the Company may 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 applying, we and 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.

We and 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 we will obtain your explicit consent for the processing.

**Use of Personal Data.** We and/or 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 our legitimate interests, and/or those of the Company or a member of any group of companies to which we and/or the Company belongs.

**Disclosure to Certain Third Parties.** We and/or the Company may disclose certain personal data: (i) within any group of companies to which we and/or the Company belongs (we and MIVF belong to the Investec Group); (ii) to our and/or 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 our assets or shares, or those of the Company, or that succeeds us and/or the Company in carrying on all or a part of our and/or its business, whether by merger, acquisition, reorganization or otherwise; and (vi) as otherwise required or permitted by law.

In particular, we and/or the Company may share the personal data we and/or it collect(s) 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) or by contacting our Data Privacy Officer at 5, St Paul's Square, Liverpool L3 9SJ or by email to [enquiries@mannisland.co.uk](mailto:enquiries@mannisland.co.uk). Similar

information relating to each Company to which your application may be submitted can be found at <https://www.midos.co.uk/gdpr/funders>.

In addition, in order to process your application for finance, your personal data will be shared with CRAs. We and/or 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 us and/or the Company both public information (e.g. electoral register) and shared credit, financial situation and financial history information and fraud prevention information

We and/or 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 us and/or 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 us and/or the Company that you have a spouse or financial associate, we and/or 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”).** We and/or 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, we and/or the Company will be 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 against us, you should contact our Data Privacy Officer at 5 St Paul’s Square, Liverpool, L3 9SJ or email [enquiries@mannisland.co.uk](mailto:enquiries@mannisland.co.uk); if you wish to do so against any Company to which your application has been submitted, you should contact its Data Privacy Officer using the details available from <https://www.midos.co.uk/gdpr/funders>. Where the Company is MIVF, please email [AFGDataprivacy@investec.co.uk](mailto:AFGDataprivacy@investec.co.uk). You also have the right to lodge a complaint about the processing of your personal data by us and/or the Company with the UK data protection authority, the Information Commissioner’s Office, whose contact details can be found at <https://ico.org.uk/>.

We and/or the Company may rely on automated credit assessment based on the personal data which we receive from you and/or obtain 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 acceptance criteria which we and/or the Company apply. We and/or the Company have a duty to review these acceptance criteria regularly to ensure fairness in the decisions made, and you have a right to ask us or it 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 and/or the Company are 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.** We and MIVF will retain your personal data for seven years from the date on which our relationship with you ends. Information relating to the data retention policy adopted by each Company to which your application may be submitted can be found at <https://www.midos.co.uk/gdpr/funders>.

**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 at 5 St Paul's Square, Liverpool L3 9SJ, by emailing [enquiries@mannisland.co.uk](mailto:enquiries@mannisland.co.uk) or by telephoning 0370 600 6668. Alternatively, you may contact the Data Privacy Officer(s) at any Company to which your application may have been submitted, whose details can be found at <https://www.midos.co.uk/gdpr/funders>.

**Dealer Appendix 2: MIF DPA Policy (post 25/5/18)**

**Mann Island Finance Limited DPA Policy**

*We may in our absolute discretion vary this policy by not less than 30 days' written notice and any such variation will apply to all Proposals submitted by you after the date on which such variation is stated to take effect. This Policy should be read alongside your Legal and Regulatory obligations pursuant to the terms of your FCA authorisation, the Engagement Letter, the Terms of Business – Dealer Offer and Warranty and the Operational and Usage Procedures.*

1. We, Mann Island Finance Limited, 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 data protection legislation, including but not limited to the General Data Protection Regulation 2016 (Regulation (EU) 2016/679), the Data Protection Act 1998 and any replacement for that Act ("DP Law"). Furthermore, we expect all of our dealers to do the same.
2. In particular, we wish to ensure that we do not process "personal data" (as defined in DP Law) 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 dealer, it is your responsibility to ensure that you yourself comply fully with DP 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 when you submit a Proposal to us, neither we, nor any funder to which we submit it, will be in breach of DP Law when we and/or they consider it. Failure to comply strictly with the terms of this DPA Policy will be a breach of your Terms of Business with us.
4. Before you submit any Proposal to us, you must provide all individuals whose personal data we and/or any funder will need to receive and/or obtain and/or process in connection with that proposal with our Fair Processing Notice ("FPN"), as amended from time to time. A copy of our current FPN is set out at the end of this DPA Policy.
5. Confirmation that the terms of this DPA Policy have been strictly complied with and in particular that the FPN has been provided to the identified individuals must be recorded by you in respect of **every** Proposal submitted to us, with such records being retained for a minimum of seven years.
6. You must at all times process customers' personal data in accordance with the requirements of DP Law, CONC and all other Legal and Regulatory Obligations. In particular:
  - 6.1. You must at all times ensure you have appropriate technical and organisational measures in place to protect any personal data obtained, accessed or processed by you against any unauthorised or unlawful processing, accidental loss, destruction or damage.
  - 6.2. Where the customer is seeking to enter into a Consumer Credit or Hire Agreement you will, where the customer requests, disclose to the customer from where their personal data was obtained (if not from the customer), including the name and address of any credit reference agency you have consulted or which, where the Funder has decided not to proceed with the Proposal based on information obtained from a credit reference agency, MIF informs you the Funder has consulted.

7. 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 this policy or our terms of business with you (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 FPN and provide appropriate consent.

### **Mann Island Finance Fair Processing Notice**

#### **MANN ISLAND FINANCE LIMITED DATA PROTECTION NOTICE TO INDIVIDUALS INVOLVED IN FINANCE APPLICATIONS**

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Where the Company is MI Vehicle Finance Limited (MIVF), a finance company linked to MIF, 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 uses, and information about your data protection rights. Both MIF and MIVF are members 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).

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

**Data That May Be Collected.** We and the Company may each 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 similar details. We and/or the Company may collect some of this data from third parties, for example credit reference agencies.

Where a corporate entity is applying for finance, we and the Company may 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 applying, we and 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.

We and 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 we will obtain your explicit consent for the processing.

**Use of Personal Data.** We and/or 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 our legitimate interests, and/or those of the Company or a member of any group of companies to which we and/or the Company belongs.

**Disclosure to Certain Third Parties.** We and/or the Company may disclose certain personal data: (i) within any group of companies to which we and/or the Company belongs (we and MIVF belong to the Investec Group); (ii) to our and/or 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 our assets or shares, or those of the Company, or that succeeds us and/or the Company in carrying on all or a part of our and/or its business, whether by merger, acquisition, reorganization or otherwise; and (vi) as otherwise required or permitted by law.



In particular, we and/or the Company may share the personal data we and/or it collect(s) 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) or by contacting our Data Privacy Officer at 5, St Paul's Square, Liverpool L3 9SJ or by email to [enquiries@mannisland.co.uk](mailto:enquiries@mannisland.co.uk). Similar information relating to each Company to which your application may be submitted can be found at <https://www.midos.co.uk/gdpr/funders>.

In addition, in order to process your application for finance, your personal data will be shared with CRAs. We and/or 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 us and/or the Company both public information (e.g. electoral register) and shared credit, financial situation and financial history information and fraud prevention information

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If you are making a joint application, or tell us and/or the Company that you have a spouse or financial associate, we and/or 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.

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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 and/or 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, we and/or the Company will be 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 against us, you should contact our Data Privacy Officer at 5 St Paul's Square, Liverpool, L3 9SJ or email [enquiries@mannisland.co.uk](mailto:enquiries@mannisland.co.uk); if you wish to do so against any Company to which your application has been submitted, you should contact its Data Privacy Officer using the details available from <https://www.midos.co.uk/gdpr/funders>. Where the Company is MIVF, please email [AFGDataprivacy@investec.co.uk](mailto:AFGDataprivacy@investec.co.uk). You also have the right to lodge a complaint about the

processing of your personal data by us and/or the Company with the UK data protection authority, the Information Commissioner's Office, whose contact details can be found at <https://ico.org.uk/>.

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T 0370 600 6668 F 0370 240 3700 [hello@mannisland.co.uk](mailto:hello@mannisland.co.uk) [www.mannisland.co.uk](http://www.mannisland.co.uk)

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Mann Island Finance Limited is part of the Investec group of companies. Authorised and regulated by the Financial Conduct Authority for credit-related regulated activities.  
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