

## CUSTOMER AND BUSINESS CONTACTS DATA PROTECTION NOTICE

### 1 Who we are

We are Social Investment Scotland (**SIS**), a Scottish company limited by guarantee with registered number SC223302 and having its registered office address at 6 Broughton Street Lane, Edinburgh, Scotland, EH1 3LY. We are also a registered Scottish charity with charity number SC036875.

This data protection notice also applies to our affiliated entities and group companies, namely SIS (Community Finance) Limited, SIS Community Capital Limited, Social Growth Fund LLP, Community Investment Enterprise Facility Limited and SIS Ventures Limited (our “**group companies**”) and so, in this notice, references to “we” or “us” mean SIS and our group companies.

We are data controllers for the purposes of the General Data Protection Regulation (Regulation (EU) 2016/679) and related data protection legislation.

SIS's registration number at the Information Commissioner's Office is Z7733464, and our group companies' registration numbers are Z7733390, ZA113004, ZA075976, ZA315551, ZA315551 respectively.

### 2 How to contact us

If you have any questions about this privacy notice or our data protection policies generally, please contact us:

By post: Data Protection Officer, Social Investment Scotland, Playfair House, 6 Broughton Street Lane, Edinburgh, Scotland, EH1 3LY

By email: [hello@socialinvestmentscotland.com](mailto:hello@socialinvestmentscotland.com)

By phone: 0131 558 7706

Online: <http://www.socialinvestmentscotland.com/get-in-touch>

### 3 Purpose of the Data Protection Notice

We are committed to protecting your personal data and your privacy. This Data Protection Notice sets out the basis on which any personal data that you provide to us or that we obtain from a third party will be processed by us. Please read the following carefully to understand our practices regarding your personal data and how we will treat it.

Before we process your personal data, we are obliged to inform you of who we are, why we need to process your personal data, what we will do with your personal data and with whom we may share your personal data.

It is important that you read this Data Protection Notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. Any other privacy notice or fair processing notice will supplement (not override) this Data Protection Notice.

This Data Protection Notice was last updated on 21 May 2018.

### 4 To whom does this Data Protection Notice apply?

This Data Protection Notice applies to:

- 4.1 our **customers** where you are an **individual** (acting in your own capacity or as a sole trader, an attorney, trustee, partner in a partnership or member of an unincorporated club or association):
- 4.1.1 who is enquiring about our products and services
  - 4.1.2 who is applying for or entering into a loan or other financing arrangement directly with us; or
  - 4.1.3 who is giving a guarantee or other security either solely or jointly with another person;
- 4.2 our **customers** where you are a **relevant individual** (such as an owner, director, officer, partner or authorised signatory) of a company or other incorporated entity:
- 4.2.1 which is applying for or entering into a loan or other financing arrangement directly with us;
  - 4.2.2 which is giving a guarantee or other security.
- 4.3 our **business contacts** where you or your organisation supply goods or services to us, provide professional services, have expressed an interest in us or have any other business relationship with us (including where your organisation is a public authority, an industry body or regulatory authority or similar) and where:
- 4.3.1 you are an **individual** who is a sole trader, attorney, trustee, partner in a partnership, member of an unincorporated club or association or an employee of any of these, or
  - 4.3.2 you are a **relevant individual** (such as an owner, director, officer, partner or authorised signatory or employee) of a company or other entity (including public authorities).
- 4.4 our **board members and committee members**.
- 4.5 our **investors** where you are an **individual** (acting in your own capacity or as a trustee, partner in a partnership or member of an unincorporated club or association) or where you are a **relevant individual** (such as an owner, director, officer, partner or authorised signatory) of a company or other incorporated entity.

## 5 What personal data do we collect and process?

**Personal data**, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (**anonymous data**).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, last name, username or similar online identifier, marital status, title, date of birth and gender.
- **Contact Data** includes home or business address, billing address, email address (personal or business) and telephone numbers.
- **Employment Data** includes details about who you work for and your role in any such organisation and your credentials.
- **Financial Data** includes bank account and payment card details.

- **Transaction Data** includes details about services or products received or provided, payments to and from you, investments made and other details of our interactions.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Transaction and Employment Data to calculate the aggregate number of customers in each business sector. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Data Protection Notice.

We do not intentionally collect any "**special categories of personal data**" about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data) although you may from time to time inform us of such matters.

We may collect information about criminal convictions and offences as a result of, and where it is relevant to, fraud prevention activities (see below for details).

## 6 **How is your personal data obtained?**

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact, Financial, Employment and Transaction Data through any number of direct interactions, such as when you correspond with us by post, phone, email, social media or otherwise, when you negotiate and/or enter into a contract with us, or when you enter into discussions with us. This includes personal data you provide when you:
  - make an enquiry about our services
  - complete application form for a loan or similar financing;
  - submit a tender;
  - provide us with your business card; or
  - become a board or committee member or an investor.
- **Third parties or publicly available sources.** We may receive or obtain personal data about you from various third parties as set out:
  - Identity, Contact, Financial, Employment and Transaction Data from fraud prevention agencies and credit reference agencies.
  - Identity and Contact Data from social media providers (such as Twitter or LinkedIn).
  - Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register.
  - Identity and Contact Data from your organisation or as a referral from another person or organisation.

- Identity, Contact, Employment and Transaction Data from third party references or from professional advisors.

## 7 **Failure to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with a loan or other financing). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time

## 8 **How will we use your personal data?**

### 8.1 ***Identity verification and fraud prevention - customers and investors only***

Before we provide services or financing to you or before we accept you as an investor in one of our funds, 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.

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. Details of the personal information that will be processed for this purpose will include Identity, Contact, Financial, Employment and Transaction Data.

We and fraud prevention agencies may also enable law enforcement agencies to access and use your personal data to detect, investigate and prevent crime.

We process your personal data on the basis that we have a legitimate interest in preventing fraud and money laundering, and to verify identity, in order 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 or your organisation have requested.

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.

If we, or a fraud prevention agency, determine that you pose a fraud or money laundering risk, we may refuse to provide the services and financing you have requested, or to employ you, or we may stop providing existing services to you.

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 provided above.

### 8.2 ***Credit checks - customers only***

In order to process a financing application (or subsequently if you are a new relevant individual of a corporate entity), we will perform credit and identity checks on you with one or more credit reference agencies (“**CRAs**”). To do this, we will supply your personal information to CRAs and they will give us information about you. 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.

Details of the personal information that will be processed for this purpose will include Identity, Contact, Financial, Employment and Transaction Data.

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) (or your organisation's account(s));
- trace and recover debts; and
- ensure any offers provided to you or your organisation are appropriate to your or your organisation's 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 (or your organisation's settled accounts). If you or your organisation 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 may 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 or financial associate successfully files for a disassociation with the CRAs to break that link.

We process your personal data on the basis that we have a legitimate interest in establishing the creditworthiness of our customers and ensuring their ability to pay for the financing or other services requested or, as applicable, ensuring their ability to guarantee the payments of another person or organisation. Such processing is also a contractual requirement of the services or financing you or your organisation have requested.

### 8.3 **Provision of Products and Services - customers**

We will process your personal data for the purpose of providing our services to you or your organisation (as applicable), including entering into a contract with you or your organisation and thereafter carrying out our obligations under any such contract(s) and if necessary of enforcing any such contract(s).

Details of the personal information that will be processed for this purpose will include Identity, Contact, Financial, Employment and Transaction Data.

Such processing will include assessing the application for services or financing against our criteria for such services or financing. Where we have agreed to provide a financing arrangement, such processing will also include:

- operating your account;
- administering and managing our products and services (including monitoring, auditing, and evaluating those products and services);

- managing the relationship with you;
- managing our credit risk;
- dealing with payments and arrears, and dealing with or investigating any complaints or enquiries;
- contacting you from time to time by telephone, e-mail or post or otherwise for the purpose of administering your account or your organisation's account, including informing you of any arrears; and
- anonymising your personal data for our own internal research purposes including market research, new product development and fraud mitigation.

**Sharing of data.** We may, from time to time, employ the services of third parties to help us provide our services or to help us meet our regulatory and reporting obligations and it may be necessary to provide them with some of your personal data in order for them to provide us with the required services.

Examples include providing access to IT service providers who assist us to ensure that our IT systems are secure, as well as banks, software service providers (including document management and customer relationship management (CRM) system providers), insurance providers and brokers, data storage providers, debt collection agents, and dispute resolution providers.

Any personal data shared with a third party service provider is strictly limited to the data required for the third party to provide the relevant services relating to the contract(s) entered between you (or your organisation) and us.

We may also disclose your personal data to our or your legal advisors or the legal advisors of your organisation, in particular where this is necessary to enforce any contract(s) entered into between you or your organisation and us.

**Lawful basis of processing.** Where we have entered into or may enter into a contract directly with you, our processing activities are necessary for the performance of a contract with you (or to take steps to enter into a contract with you). Where the contract is with your organisation, we process your personal data for the above purposes on the basis of our legitimate interests in performing the contract with our customer. In addition we process your personal data for the above purposes on the basis of our legitimate interest in running our business efficiently and profitably including:

- to protect and defend our legal rights;
- to maintain accurate customer records including customer preferences;
- to enhance, modify and improve our services and products;
- to develop and improve our services and products in order to remain competitive; and
- to pursue our commercial objectives where this does not override your rights and freedoms as a data subject.

#### 8.4 **Business contacts**

We will process your personal data for any or all of the following purposes:

- to assess the suitability of any existing or potential supplier of goods and services to us, including undertaking appropriate background checks;
- to negotiate and enter into appropriate contracts for the supply of goods or services to us, to carry out any obligations under such contracts (including obligations of payment) and if necessary to enforce any such contracts;
- to undertake on-going monitoring and management of our relationship with suppliers;
- to investigate any complaints or enquiries;
- to manage our business relationships with professional advisors, regulatory authorities, public authorities and others;
- to establish, exercise and defend our legal rights.

Details of the personal information that will be processed for this purpose will include Identity, Contact, Financial, Employment and Transaction Data.

**Lawful basis of processing.** Where we have entered into or may enter into a contract directly with you, our processing activities are necessary for the performance of a contract with you (or to take steps to enter into a contract with you). In other circumstances, we process your personal data for the above purposes on the basis of our legitimate interests including:

- to perform a contract with your organisation;
- to manage third party relationships;
- to protect and defend our legal rights;
- to run our business efficiently and profitably;
- to enhance, modify and improve our services and products; and
- to pursue our commercial objectives where this does not override your rights and freedoms as a data subject.

## 8.5 Board and committee members

We will process your personal data for any or all of the following purposes:

- to assess the suitability of any existing or potential board or committee member, including assessing credentials;
- to negotiate and enter into appropriate contracts of appointment, to carry out any obligations under such contracts (including obligations of payment) and if necessary to enforce any such contracts;
- to undertake on-going monitoring and management of our relationship with board and committee members (including calling and holding board and committee meetings);
- to investigate any complaints or enquiries;
- to establish, exercise and defend our legal rights.

Details of the personal information that will be processed for this purpose will include Identity, Contact, Financial, Employment and Transaction Data.

**Lawful basis of processing.** Where we have entered into or may enter into a contract directly with you, our processing activities are necessary for the performance of a contract with you (or to take steps to enter into a contract with you). In other circumstances, we process your personal data for the above purposes on the basis of our legitimate interests including:

- to perform a contract with your organisation;
- to protect and defend our legal rights;
- to run our business efficiently and profitably;
- to enhance, modify and improve our services and products; and
- to pursue our commercial objectives (including our objectives of social investment and community development) where this does not override your rights and freedoms as a data subject.

## 8.6 Investors

We will process your personal data for any or all of the following purposes:

- to assess the suitability of any existing or potential investor, including undertaking appropriate background checks;
- to negotiate and enter into appropriate investment fund contracts, to carry out any obligations under such contracts (including obligations of payment) and if necessary to enforce any such contracts;
- to undertake on-going monitoring and management of our relationship (and our customers' relationship) with investors and potential investors;
- to administer and manage investments by our investors and potential investors in our funds and/or directly in our customers;
- to establish, exercise and defend our legal rights.

Details of the personal information that will be processed for this purpose will include Identity, Contact, Financial, Employment and Transaction Data.

**Lawful basis of processing.** Where we have entered into or may enter into a contract directly with you, our processing activities are necessary for the performance of a contract with you (or to take steps to enter into a contract with you). In other circumstances, we process your personal data for the above purposes on the basis of our legitimate interests including:

- to perform a contract with your organisation;
- to administer and manage social investments;
- to protect and defend our legal rights;
- to run our business efficiently and profitably;
- to enhance, modify and improve our services and products; and



- to pursue our commercial objectives (including our objectives of social investment and community development) where this does not override your rights and freedoms as a data subject.

## 8.7 Compliance with legal obligations

We may process (including share with our professional advisors, regulatory authorities or others) your personal data in order to:

- comply with any legal obligations binding on us;
- protect the rights, property, or safety of our staff, our customers, or others;
- seek legal advice or establish, exercise or defend our legal rights;
- prepare management and statutory accounts.

**Lawful basis of processing.** When we process your personal data for the above purposes, we do so on the basis that such processing is:

- necessary for compliance with a legal obligation to which we are subject (including our reporting obligations to the Financial Conduct Authority and HM Revenue & Customs, as well as our obligations under applicable legislation including the Money Laundering Regulations, Bribery Act 2010 and the Modern Slavery Act 2015) or
- necessary in order to protect the vital interests of a natural person, or
- in our legitimate interests in establishing, exercising or defending our legal rights, respectively.

## 9 Marketing

We wish to provide you with relevant information about us and our services from time to time. Please see our Website Data Protection Notice for further details.

## 10 With whom do we share your personal data?

There may be circumstances in which we may also need to share your personal data with certain third parties. The third parties to which we may transfer your personal data include:

- our members for the purpose of ensuring our members are fully aware of our activities;
- any member of SIS and its group companies, for the purposes of group-wide risk management, reporting obligations of SIS and any group company and the management of any parts of SIS's or any group company's business or assets;
- industry membership organisations and/ or watchdogs including organisations providing third party assessments of community development financial institutions (such as Aeries Insight Inc) for the purpose of monitoring our performance and improving our services;
- payment and credit card providers for the purpose of ensuring loan payments and repayments are made and for the purpose of ensuring payments are made to third party suppliers and service providers;
- service providers acting as processors who provide IT and system administration services;

- professional advisers including lawyers, bankers, accountants, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services;
- any relevant regulatory authority, including Financial Conduct Authority, HM Revenue & Customs, the Office of Scottish Charities Regulator, Companies House, Financial Conduct Authority and any courts or tribunals who require reporting of processing activities in certain circumstances;
- any relevant funding body, including the Scottish Government, Scottish Enterprise and Highland and Islands Enterprise who require reporting of activities in certain circumstances;
- fraud prevention agencies and credit reference agencies;
- Scottish Enterprise (Scottish Investment Bank) and any other public authority to whom we are legally or contractually obliged to disclose personal data in certain circumstances;
- service providers acting as processors who provide event management services (such as Eventbrite).
- service providers acting as processors who provide marketing and communications services (such as Mailchimp).
- service providers acting as processors who provide survey services (such as Survey Monkey and SNAP).
- any relevant research organisations including those undertaking social impact surveys on our behalf.
- third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Data Protection Notice.

Any sharing of your personal data will only take place either where we are legally obliged to do so, where it is necessary for the performance of a contract with you or where it is in our legitimate interests to do so, including as follows:

- to maintain network and information security;
- to develop and improve our services and products in order to remain competitive;
- to undertake reference checks, credit checks and risk assessments;
- to protect and defend our legal rights
- to pursue our commercial objectives where this does not override your rights and freedoms as a data subject.

## 11 International transfers

**General information.** Some of our external third parties (such as Aeris Insight Inc) are headquartered or based outside the European Economic Area (**EEA**) so their processing of your personal data may involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the USA, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the European Union and the USA.

**Fraud and credit information.** We, fraud prevention agencies and credit reference agencies may transfer your personal data outside of the EEA. Whenever we or they transfer your personal data outside of the EEA, we or they will impose contractual obligations on the recipients of that data. Those obligations require the recipient to protect your personal data to the standard required in the EEA. We or they may also require the recipient to subscribe to 'international frameworks' intended to enable secure data sharing.

## 12 Automated-decision making or profiling

As part of the processing of personal data relating to **customers** and **investors**, decisions may be made by automated means in connection with credit profiling and fraud or money laundering risk. This means we may automatically decline the provision of services, loans or financing that you or your organisation have requested based on your credit profile with CRAs; or automatically decide you pose a fraud or money laundering risk if our processing reveals your behaviour to be consistent with that of known fraudsters or money launderers, or if you appear to have deliberately hidden your true identity, in which case we may refuse to provide the services and financing you or your organisation have requested or we may stop providing existing services to you or your organisation.

You have rights in relation to automated decision-making, including the right to request a review of the accuracy of a decision that you are unhappy with. If you want to know more, please contact us using the details above.

We do not use automated decision-making (including profiling) to make any decisions which would produce a legal effect or similarly significantly affect a data subject who is a **business contact** or **board or committee member**.

## 13 Accuracy of your data

It is important that the personal data we hold about you is accurate and up to date. Please keep us informed if your personal data changes during your relationship with us.

## 14 How long do we retain your personal data?

We will not retain your personal data for longer than is necessary for the purposes for which the personal data is processed. This means that your data will only be retained for as long as it is still required to provide you with services or is necessary for legal reasons.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Generally speaking, we will usually retain your personal data for six (6) years following expiry of any contracts or arrangements between us, unless we are obliged to retain your personal data for a longer period as a result of an overriding legal obligation or in order to establish, defend or exercise legal rights.

For more details about our retention periods, please contact us using the details above.

## 15 Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and the Information Commissioner's Office of a breach where we are legally required to do so.

## 16 Your rights

16.1 Your personal data is protected by legal rights, which include your rights to:

- **Request access to your personal data** (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing of your personal data** where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes.
- **Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: if you want us to establish the data's accuracy; where our use of the data is unlawful but you do not want us to erase it; where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer of your personal data to you or to a third party (data portability).** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time where we are relying on consent to process your personal data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your

consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

- 16.2 If you wish to exercise any of these rights, please contact us using the details above.
- 16.3 We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
- 16.4 You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.
- 16.5 You also have the right to complain to the Information Commissioner's Office, which regulates the processing of personal data, about how we are processing your personal data.

