

## **YOUR PERSONAL INFORMATION AND WHAT WE DO WITH IT Executors, Powers of Attorney and Other Associated Persons**

### **The meaning of some terms that we use in this privacy notice:**

**Process or processing** includes everything we do with your personal information from its collection, right through to its destruction or deletion when we no longer need it. This includes for instance collecting it (from you), obtaining it (from other organisations), using, sharing, storing, retaining, deleting, destroying, transferring it overseas.

**Legitimate interest** is mentioned in our privacy notice because data protection laws allow the processing of personal information where the purpose is legitimate and is not outweighed by your interests, fundamental rights and freedoms. Those laws call this the legitimate interests legal ground for personal data processing.

### **WHO WE ARE AND HOW TO CONTACT US**

Bath Investment and Building Society of 15 Queen Square, Bath BA1 2HN is a data controller of your personal information. This means information that is about you or from which we can identify you. This privacy notice describes how we deal with your personal information. We are the data controller of this information under relevant data protection laws because, in the context of our business relationship with you, we decide how and why it is processed in the ways explained in this privacy notice. When we use terms such as **we**, **us** and **our** in this notice, we mean Bath Investment and Building Society

Our Director of Risk Management, Tonia Lovell, can be contacted if you have queries about this privacy notice or wish to exercise any of the rights mentioned in it.

You will see at the end of this privacy notice that we mention the privacy notices of Fraud Prevention Agencies and Credit Reference Agencies. Copies are available on request.

This privacy notice may be updated from time to time. When it is, we may send you an updated copy (depending on whether we are required to do that or not).

### **WHAT KINDS OF PERSONAL INFORMATION ABOUT YOU DO WE PROCESS?**

Personal information we process may include:

- Your title, full name, your contact details, including for instance your email address, home and mobile telephone numbers;
- Your home address, correspondence address (if different) and recent address history;
- Your date of birth
- Your nationality, if this is necessary for us to comply with our legal and regulatory requirements;
- Records of how you have contacted us and, if you get in touch with us online, details such as your mobile phone location data, IP address and MAC address;
- Some special categories of personal information such as about your health or if you are a vulnerable person (more details below).
- Details of account(s) held with other providers, such as if you pay into a Bath Building Society savings product from those other account(s), or have an existing charge over your property.
- Details regarding your role as a Power of Attorney.
- Details regarding your role as an executor.
- If you are providing a collateral charge for a mortgage, we will obtain a valuation of your property.

### **OTHER PERSONS ASSOCIATED WITH THE ACCOUNT**

If you are providing us with personal information about another person associated with the account (such as another Executor, person providing a collateral charge etc), please share this privacy

notice with them.

If you look now at the "What are the legal grounds" section (below) you will see reference to consent and a description of some limited scenarios where it may be relevant to what we do with personal information. If you are associated with an account jointly with another individual, we may ask you to obtain consent from them.

### **WHAT IS THE SOURCE OF YOUR PERSONAL INFORMATION?**

We will generally collect your personal information from you directly.

In addition, we may obtain your personal information from other sources such as a Credit Reference Agency (CRA), publicly available directories and information (eg telephone directory, social media, internet, news articles), other organisations to assist in prevention and detection of crime, police and law enforcement agencies.

Some of the personal information obtained from the CRA will have originated from publicly accessible sources. In particular, CRAs draw on court decisions, bankruptcy registers and the electoral register (also known as the electoral roll). We explain more about CRAs below. We have also mentioned above in the lists of personal information that we process some of the CRAs' other sources of information (which are our own source of information too).

### **WHAT ARE THE LEGAL GROUNDS FOR OUR PROCESSING OF YOUR PERSONAL INFORMATION (INCLUDING WHEN WE SHARE IT WITH OTHERS)?**

Data protection laws require us to explain what legal grounds justify our processing of your personal information (this includes sharing it with other organisations). For some processing more than one legal ground may be relevant (except where we rely on your consent). Here are the legal grounds that are relevant to us:

- 1) Processing necessary **for performance of the contract or for taking steps prior to entering into it:**
  - a) Administering and managing accounts you are associated with, updating your records, tracing your whereabouts to contact you about your associated accounts;
  - b) All stages and activities relevant to managing your associated accounts including enquiry, application, administration and management of accounts; and
- 2) Where we consider that, on balance, it is appropriate for us to do so, processing necessary **for the following legitimate interests** which apply to us and in some cases other organisations (who we list below) are:
  - a) Administering and managing the accounts you are associated with and services relating to that, updating your records, tracing your whereabouts to contact you about your associated accounts;
  - b) To test the performance of our products, services and internal processes;
  - c) To adhere to guidance and best practice under the regimes of governmental and regulatory bodies such as HMRC, the Financial Conduct Authority, the Prudential Regulation Authority, the Ombudsman, the Information Commissioner's Office and under the Financial Services Compensation Scheme;
  - d) For management and audit of our business operations including accounting;
  - e) To carry out searches at Credit Reference Agencies pre-application, at the application stage, and periodically after that.
  - f) To carry out monitoring and to keep records (see below);
  - g) To administer our good governance requirements, such as internal reporting and compliance obligations or administration required for AGM processes;
  - h) For market research and analysis and developing statistics;
  - i) When we share your personal information with these other people or organisations;
    - The account holders, trustees and beneficiaries, any other person with power of attorney or any other person providing a collateral charge (in each case only if relevant to you);
    - Other account holders or individuals when we have to provide your information to them because they have accidentally paid money into your associated account.
    - Our legal and other professional advisers, auditors and actuaries;
    - Financial institutions and trade associations;

- Governmental and regulatory bodies such as HMRC, the Financial Conduct Authority, the Prudential Regulation Authority, the Ombudsman, the Information Commissioner's Office and under the Financial Services Compensation Scheme;
  - Tax authorities who are overseas for instance if you are subject to tax in another jurisdiction we may share your personal information directly with relevant tax authorities overseas (instead of via HMRC);
  - Other organisations and businesses who provide services to us such as debt recovery agencies, back up and server hosting providers, IT software and maintenance providers, document storage providers and suppliers of other back office functions;
  - Buyers and their professional representatives as part of any restructuring or sale of our business or assets;
  - Credit Reference Agencies (see below where we explain more); and
- 3) Processing necessary **to comply with our legal obligations:**
- a) For compliance with laws that apply to us;
  - b) For establishment, defence and enforcement of our legal rights;
  - c) For activities relating to the prevention, detection and investigation of crime;
  - d) To carry out identity checks and anti-money laundering checks, pre-application, at the application stage, and periodically after that.
  - e) To carry out monitoring and to keep records (see below);
  - f) To deal with requests from you to exercise your rights under data protection laws;
  - g) To process information about a crime or offence and proceedings related to that (in practice this will be relevant if we know or suspect fraud); and
  - h) When we share your personal information with these other people or organisations:
    - Account holders, Trustees and beneficiaries, other persons with power of attorney over your associated account, or other persons jointly providing a collateral charge;
    - Other payment services providers such as when you ask us to share information about your associated account with them;
    - Other account holders or individuals when we have to provide your information to them because they have accidentally paid money into your associated account;
    - Law enforcement agencies and governmental and regulatory bodies such as HMRC, the Financial Conduct Authority, the Prudential Regulation Authority, the Ombudsman, the Information Commissioner's Office and under the Financial Services Compensation Scheme (depending on the circumstances of the sharing); and
    - Courts and to other organisations where that is necessary for the administration of justice, to protect vital interests and to protect the security or integrity of our business operations.
- 4) Processing with your **consent:**
- a) When you request that we share your personal information with someone else and consent to that;
  - b) For some of our processing of special categories of personal information such as about your health or if you are a vulnerable person (and it will be explained to you when we ask for that explicit consent what purposes, sharing and use it is for.)
- 5) Processing for a **substantial public interest** under laws that apply to us where this helps us to meet our broader social obligations such as:
- a) Processing of your special categories of personal information such as about your health or if you are a vulnerable person.
  - b) Processing that we need to do to fulfil our legal obligations and regulatory requirements.
  - c) When we share your personal information with other people and organisations if they need to know that you are a vulnerable person and your relatives, social services, your carer.

## HOW AND WHEN CAN YOU WITHDRAW YOUR CONSENT?

Much of what we do with your personal information is not based on your consent, instead it is based on other legal grounds. For processing that is based on your consent, you have the right to take back that consent for future processing at any time. You can do this by contacting us using the details above. The consequence might be that we cannot take into account special categories of personal information such as about your health or if you are a vulnerable person (but these outcomes will be relevant only in cases where we rely on explicit consent for this).

## **IS YOUR PERSONAL INFORMATION TRANSFERRED OUTSIDE THE UK?**

We are based in the UK and do not transfer personal information outside the UK, however we do share some personal information with a Credit Reference Agency and Regulatory Data Corp (RDC - a money laundering prevention service) who may have operations both inside and outside of the European Economic Area (EEA). If either firm sends information to locations outside of the EEA they will only do so where there are suitable safeguards to protect it, to the same standards as apply within the EEA.

## **HOW DO WE SHARE YOUR INFORMATION WITH CREDIT REFERENCE AGENCIES?**

In order to associate you with an account, we will perform credit and identity checks on you with a CRA. To do this, we will supply your personal information to them and they will give us information about you. This will include information from your credit application and about your financial situation and financial history. The CRA will supply to us both public (including the electoral register) and shared credit, financial situation and financial history information and fraud prevention information.

We will use this information to:

- Verify the accuracy of the information you have provided to us;
- Prevent criminal activity, fraud and money laundering;
- Manage your associated account(s);

We will continue to exchange information about you with Equifax while you have a relationship with us.

When CRAs receive a search from us they will place a search footprint on your credit file that may be seen by other institutions.

If you are making a joint application, or tell us that you have a spouse or financial associate, we will link your records together, so you should make sure you discuss this with them, and share with them this information, before lodging the application. CRAs will also link your records together and these links will remain on your and their files until such time as you or your partner successfully files for a disassociation with the CRAs to break that link.

## **HOW DO WE SHARE YOUR INFORMATION WITH FRAUD PREVENTION AGENCIES?**

The personal information we collect from you may be shared with fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify your identity. If fraud is detected, you could be refused certain services, finance or employment. **For more information see Data Privacy Notices from other organisations below.**

## **WHAT SHOULD YOU DO IF YOUR PERSONAL INFORMATION CHANGES?**

You should tell us without delay so that we can update our records. You can do this by email (bsoc@bibs.co.uk) or by writing to our Head Office.

## **DO YOU HAVE TO PROVIDE YOUR PERSONAL INFORMATION TO US?**

We are unable to take any actions you may require in relation to an account without having personal information about you. Your personal information is required by laws that apply to us. If we already hold some of the personal information that we need – for instance if you are already a customer – we may not need to collect it again.

In cases where providing some personal information is optional, we will make this clear.

## **DO WE DO ANY MONITORING INVOLVING PROCESSING OF YOUR PERSONAL INFORMATION?**

In this section monitoring means any listening to, recording of, viewing of, intercepting of, or taking and keeping records (as the case may be) of calls, email, text messages, social media messages, in person face to face meetings and other communications.

We may monitor where permitted by law and we will do this where the law requires it. Also, some of our monitoring may be to comply with regulatory rules, self-regulatory practices or procedures relevant to our business, to prevent or detect crime, in the interests of protecting the security of our communications systems and procedures, to have a record of what we have discussed with you and actions agreed with you, to protect you and to provide security for you (such as in relation to fraud risks on your associated account) and for quality control and staff training purposes.

We may conduct short term carefully controlled monitoring of your activities on your associated account where this is necessary for our legitimate interests or to comply with our legal obligations. For instance, where we suspect fraud, money laundering or other crimes.

Telephone calls between us and you may be recorded to make sure that we have a record of what has been discussed and what your instructions are. We may also record these types of calls for the quality control and staff training purposes.

## FOR HOW LONG IS YOUR PERSONAL INFORMATION RETAINED BY US?

Unless we explain otherwise to you, we will hold your personal information for the following periods:

- **Retention in case of queries.** We will retain the personal information that we need to keep in case of queries from you for 1 year unless we have to keep it for a longer period (see directly below);
- **Retention in accordance with legal and regulatory requirements.** We will retain the personal information that we need to keep even after the relevant contract has come to an end for 6 years and this will be to satisfy our legal and regulatory requirements; and
- **Retention in case of claims.** We will retain the personal information that we need to keep for the period in which you might legally bring claims against us which in practice means 6 years after the account is closed, unless we have to keep it for a longer period (see directly below)

If you would like further information about our data retention practices, contact us.

## WHAT ARE YOUR RIGHTS UNDER DATA PROTECTION LAWS?

Here is a list of the rights that all individuals have under data protection laws. They do not apply in all circumstances. If you wish to exercise any of them we will explain at that time if they are engaged or not.

- The **right to be informed** about your processing of your personal information;
- The right to have your personal information **corrected if it is inaccurate** and to have **incomplete personal information completed**;
- The right **to object** to processing of your personal information;
- The right **to restrict processing** of your personal information;
- The right **to have your personal information erased** (the "right to be forgotten");
- The right to **request access** to your personal information and to obtain information about how we process it;
- The right to **move, copy or transfer your personal information** ("data portability");
- Rights in relation to **automated decision making which has a legal effect or otherwise significantly affects you.**

You have the right to complain to the Information Commissioner's Office which enforces data protection laws: <https://ico.org.uk/>.

If you wish to exercise any of these rights with Equifax, you should contact them directly.

## DATA ANONYMISATION AND USE OF AGGREGATED INFORMATION

Your personal information may be converted into statistical or aggregated data which cannot be used to re-identify you. It may then be used to produce statistical research and reports. This aggregated data may be shared and used in all the ways described in this privacy notice.

## YOUR MARKETING PREFERENCES AND WHAT THIS MEANS

We may use your home address, phone numbers, email address to contact you according to your marketing preferences. This means we do this only if we have a legal ground which allows it under data protection laws – see above for what our legal ground for marketing is. You can stop our marketing at any time by emailing [bsoc@bibs.co.uk](mailto:bsoc@bibs.co.uk) or writing to our Head Office or by following the instructions on how to do that in the marketing email or other communication.

#### **DATA PRIVACY NOTICES FROM OTHER ORGANISATIONS**

We have mentioned that we share your personal information with a CRA, RDC and Fraud Prevention Agencies. Copies of their Privacy Notices are available on request. At the time of writing, the CRA we use is Equifax and a copy of their Privacy Notice can be found at [www.equifax.co.uk](http://www.equifax.co.uk). The Privacy Notice for RDC can be found at [www.rdc.com/privacy-policy](http://www.rdc.com/privacy-policy)