

## YOUR PERSONAL DATA AND WHAT WE DO WITH IT

### Mortgage Customers and Guarantors

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

**Process** or **processing** includes everything we do with your personal data 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 interests** is mentioned in our privacy notice because data protection laws allow the processing of personal data where the purpose is legitimate and is not outweighed by your interests, fundamental rights and freedoms. Those laws call this the legitimate interests lawful basis for personal data processing.

### WHO WE ARE AND HOW TO CONTACT US

Bath Building Society of 15 Queen Square, Bath BA1 2HN is a data controller of your personal data. Personal data means information that is about you or from which we can identify you. This document (known as a Privacy Notice) describes how we deal with your personal data. 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 document. When we use terms such as **we**, **us** and **our**, we mean Bath Building Society.

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

Contact details can be found on our website:

<https://www.bathbuildingsociety.co.uk/privacy-policy/>

You will see at the end of this privacy notice that we mention the privacy notices of parties we share information with, such as Fraud Prevention Agencies, Money Laundering Prevention Agencies and Credit Reference Agencies. Copies are available on request.

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

### HAVE YOU BEEN INTRODUCED TO US BY A BROKER OR OTHER INTERMEDIARY?

Our mortgages are available direct from the Society as well as through brokers or other intermediaries. When a broker or other intermediary processes your personal data on our behalf, this privacy notice will apply, and you should contact us to exercise your rights under data protection laws. When a broker or other intermediary processes your personal data as a data controller in its own right, its own privacy notice will apply, and you should ask them for a copy if you do not have one.

## WHAT KINDS OF PERSONAL DATA ABOUT YOU DO WE PROCESS?

Personal data 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 (where different from your home address) and address history;
- Your date of birth and/or age, e.g. to make sure that you are eligible to apply for the product and/or that it is suitable for you;
- 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;
- Your financial details e.g. your income and expenditure, details of your savings, and details of bank accounts and mortgages held with other providers;
- Details about all of your existing borrowings and loans;
- Personal data about your credit history which we obtain from Credit Reference Agencies (CRA) including data which originates from Royal Mail (UK postal addresses), local authorities (electoral roll), the insolvency service, Companies' House, other lenders and providers of credit (who supply data to the CRAs), court judgments decrees and administration orders made publicly available through statutory public registers (see the section on 'Credit Reference Agencies' below);
- Information about your employment status including whether you are employed, self-employed, retired or receive benefits;
- Information about your occupier status, such as whether you are a tenant, live with parents or are an owner occupier of the property in which you live at the time of your application;
- Information which is relevant for your residency and/or citizenship status, such as your nationality, your length of residency in the UK and/or whether you have the permanent right to reside in UK;
- Your marital status, family, lifestyle or social circumstances if relevant to the mortgage product (e.g. the number of dependents you have or if you are a widow or widower); and
- Where relevant, information about any guarantor which you provide in any application.

## JOINT APPLICANTS, GUARANTORS AND POWERS OF ATTORNEY

If you make a joint application (for example, with your spouse, partner, or family member, including Joint Borrower Sole Proprietor), please share this Privacy Notice with any applicants within the same household, as we will also collect their personal data as described above. If you are applying jointly with an applicant in another household, we will send them their own copy. If you look now at the "What are the lawful bases" 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 data.

If you apply for your mortgage with a guarantor, that person will see a privacy notice when they submit their own personal data to us.

If there is somebody who has power of attorney over your affairs, that person will see a privacy notice when we contact them directly.

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

We will generally collect your personal data from you directly. If you are introduced to us by a broker or other intermediary, they will provide us with the personal data you give them.

In addition, we may obtain personal data about you from other sources such as Fraud Prevention Agencies, Credit Reference Agencies, your employer, landlord, other lenders, HMRC, DWP, publicly available directories and information (e.g. telephone directory, social media, internet, news articles), debt recovery and/or tracing agents, other organisations to assist in prevention and detection of crime, police and law enforcement agencies.

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

## **WHAT ARE THE LAWFUL BASES FOR OUR PROCESSING OF YOUR PERSONAL DATA (INCLUDING WHEN WE SHARE IT WITH OTHERS)?**

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

- 1) **Processing necessary to perform our contract with you or for taking steps prior to entering into it during the application stage:**
  - a) Administering and managing your mortgage and services relating to that, updating your records, tracing your whereabouts to contact you about your account and doing this for recovering debt;
  - b) All stages and activities relevant to managing your mortgage including enquiry, application, administration and management of accounts, illustrations, requests for transfers of equity, setting up/changing/removing guarantors; and
- 2) Where we consider that, on balance, it is appropriate for us 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 your mortgage account and services relating to that, updating your records, tracing your whereabouts to contact you about your account and doing this for recovering debt;
  - 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. Where you have been introduced to us by a broker or other intermediary they may do these searches on our behalf;
  - 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) For direct marketing communications by the Society only, and where we believe the information may be of interest to you; and
  - j) When we share your personal data with these other people or organisations;
    - Your guarantor, if you have one (or if you are the guarantor, with the applicant);
    - Joint account holders, Joint Borrowers, and any attorney with legal powers over your affairs (in each case only if relevant to you);
    - The broker or other intermediary who introduced you to us;
    - 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 data 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
    - Market research organisations who help us to develop and improve our products and services.
- 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, anti-money laundering checks, and checks with Fraud Prevention Agencies pre-application, at the application stage, and periodically after that. Where you have been introduced to us by a broker or other intermediary they may do these searches on our behalf.
  - 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 data with these other people or organisations:
    - Your guarantor, if you have one (or if you are the guarantor, with the applicant);
    - Joint borrowers
    - Your power of attorney, if you have one;
    - Fraud Prevention Agencies;
    - 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 data with someone else and consent to that;
  - b) For some of our processing of special categories of personal data such as about your health or if you are a vulnerable customer (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 data such as if you are a vulnerable customer.
  - b) Processing that we need to do to fulfil our legal obligations and regulatory requirements.
  - c) When we share your personal data with other people and organisations, if they need to know that you are a vulnerable customer, and your relatives, social services, your carer, the person who has power of attorney over your affairs.

## HOW AND WHEN CAN YOU WITHDRAW YOUR CONSENT?

Much of what we do with your personal data is not based on your consent, instead it is based on other lawful bases. 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 send you some marketing communications or that we cannot take into account special categories of personal data such as if you are a vulnerable customer (but these outcomes will be relevant only in cases where we rely on explicit consent for this).

We will tell the broker or other intermediary who introduced you to us that you have withdrawn your consent only if it is our data processor (this means an organisation who is processing personal data on our behalf) or if we are required to do when you exercise certain rights under data protection laws. You should make sure to contact them directly to withdraw your consent for what they do with your personal data as a data controller in their own right.

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

We are based in the UK and do not normally transfer personal data outside the UK, however we may use suppliers who may transfer data to, or store data in, locations both inside and outside the UK. We also share some personal data with Credit Reference Agencies as well as Money Laundering Prevention Services and Fraud Prevention Agencies who may have operations both inside and outside of the UK. Whenever information is sent to locations outside of the UK, we will ensure that there are suitable safeguards to protect it.

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

In order to process your application, 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 data 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.

We will use this information to:

- Assess your creditworthiness and whether you can afford to take the product;
- Verify the accuracy of the information you have provided to us;
- 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.

We may ask your Broker or other intermediary to undertake this credit check for us.

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

**For more information see Data Privacy Notices from other organisations below.**



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

The personal data we collect from you will 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 DATA CHANGES?**

You should tell us without delay so that we can update our records. You can do this by email ([mortgageadmin@bibs.co.uk](mailto:mortgageadmin@bibs.co.uk)) or by writing to our Head Office. If you were introduced to us by a broker or other intermediary who is data controller in its own right, you should contact them separately. In some cases where you exercise rights against us under data protection laws (see below) we may need to inform the broker or other intermediary, but this will not always be the case.

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

We are unable to provide you with the mortgage or to process your application without having personal data about you. Your personal data is required before you can enter into the relevant contract with us, or it is required during the life of that contract, or it is required by laws that apply to us. If we already hold some of the personal data that we need – for instance if you are already a customer – we may not need to collect it again when you make your application.

In cases where providing some personal data is optional, we will make this clear. For instance, we will say in application forms, in branch or on our website.

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

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. In particular, where we are required by the Financial Conduct Authority's regulatory regime to record certain telephone lines we will do so.

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 account) and for quality control and staff training purposes.

We may conduct short term carefully controlled monitoring of your activities on your mortgage 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 in connection with your application and the mortgage product 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 quality control and staff training purposes.

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

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

- **Retention in case of queries.** We will retain the personal data that we need to keep in case of queries from you (for instance, if you apply unsuccessfully for a mortgage) for 1 year unless we have to keep it for a longer period;
- **Retention in accordance with legal and regulatory requirements.** We will retain the personal data that we need to keep, even after the relevant contract you have with us has come to an end, for 6 years and this will be to satisfy our legal and regulatory requirements.
- **Retention in case of claims.** We will retain the personal data that we need to keep for the period in which you might legally bring claims against us which in practice means 12 years after the mortgage is closed.

If you would like further information about our data retention practices, please 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 data;
- The right to have your personal data **corrected if it is inaccurate** and to have **incomplete personal data completed**;
- The right to **object** to processing of your personal data;
- The right to **restrict processing** of your personal data;
- The right to **have your personal data erased** (the "right to be forgotten");
- The right to **request access** to your personal data and to obtain information about how we process it;
- The right to **move, copy or transfer your personal data** ("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 Credit Reference Agencies, Fraud Prevention Agencies, Money Laundering Prevention Services, or a broker or other intermediary who is data controller in its own right, you should contact them directly.





## DATA ANONYMISATION AND USE OF AGGREGATED INFORMATION

Your personal data 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 lawful basis which allows it under data protection laws – see above for what our lawful basis for marketing is. You can stop our marketing at any time by emailing [marketing@bibs.co.uk](mailto:marketing@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 data with Credit Reference Agencies, Money Laundering Prevention Services and Fraud Prevention Agencies. Further information and the relevant Privacy Notices are available on request.

The identities of the CRAs, their role as fraud prevention agencies, the data they hold, the ways in which they use and share personal data, data retention periods and your data protection rights with the CRAs are explained in more detail at <https://ico.org.uk/your-data-matters/>. A Credit Reference Agency Information Notice (CRAIN) is also accessible from each of the three CRAs – following any of these three links will also take you to the same CRAIN document:

TransUnion [www.transunion.co.uk/crain](http://www.transunion.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)

For information on how we share your data with Fraud Prevention Agencies, you can view our Fair Processing Notice, which can be found here:

[www.bathbuildingsociety.co.uk/privacy-policy](http://www.bathbuildingsociety.co.uk/privacy-policy)

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