

Fair Processing Notice

This fair processing notice supplements any other privacy notices (including any global privacy notice issued by the Macquarie Group) and is not intended to override them.

1 Who we are

We are Macquarie Equipment Finance DAC, a company registered in Ireland (company number 421234).

We are part of the Macquarie group of companies (**Macquarie Group**), whose ultimate parent company is Macquarie Group Limited (50 Martin Place, Sydney, NSW 2000, Australia).

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

2 How to contact us

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

By post: 1st Flr, Connaught House, 1 Burlington Road, Dublin 4, Ireland

By email: flowiecustserv@macquarie.com

By phone: 01 2383400

3 Whose personal data do we process?

This fair processing notice applies where:

3.1 you are an **individual** (acting solely or jointly with another person for your own account or as a sole trader or as an attorney, trustee, partner in a partnership or member of an unincorporated club or association):

3.1.1 who is applying for or entering into a financing arrangement directly with us;

3.1.2 who has a financing arrangement from one of our customers and we have provided funding to this customer to enable them to make that financing arrangement to you;

3.1.3 who has a financing arrangement from one of our customers and we have bought your financing arrangement from the company who made the facility available to you; or

3.1.4 who is giving a guarantee or other security either solely or jointly with another person;

3.2 you are a **relevant individual** (such as an owner, director, officer, partner or authorised signatory) of a company or other incorporated entity to which any of 1.1.1 - 1.1.4 applies.

4 What personal data do we collect and process?

4.1 When obtaining a quote or applying for a financing arrangement with us (whether on your own account or as a relevant individual), we receive, collect and process the following types of personal data relating to you:

4.1.1 all the personal information that you, our customer or introducer provides to us in any way, such as your name, date of birth, residential address and address history, contact details such as email address and telephone numbers or your finance requirements (if applicable) and including the personal information contained in your identification documents (passport, driving licence and utility bills); and

4.2 During the course of a financing arrangement (whether this is on your own account or relates to you as a relevant individual, we collect and process the following types of personal data relating to you:

4.2.1 personal information that you, our customer or the introducer provides to us in any way such as updated contact information and updated bank details;

4.2.2 personal information relating to the operation and conduct of the financing arrangement, such as account balance, payments and any arrears; and

4.2.3 personal information provided by you or our professional advisers (such as valuers, solicitors and accountants and your financial advisers), such as valuations or financial information.

4.3 Where we provide funding to our customers to provide you (or your organisation) with financing arrangements or where we purchase your (or your organisation's) financing arrangement, we receive and process the personal information that our customers provide to us.

4.4 Where relevant, we collect and process personal information about you that we obtain from public registers such as the Companies Registration Office and the Central Credit Register (**CCR**).

5 How is your personal data used?

We process and use your personal data for the following purposes:

5.1 Verification of identity and fraud prevention

Purposes of processing. In order to provide a quote or process a financing application, we undertake checks with one or more fraud prevention agencies (**FPAs**). FPAs will process your personal data in order to provide us with information about you, which may include verification of identity and fraud prevention information.

Sharing of data. We will share your personal data with FPAs, which will include information from your or your organisation's credit application for the above purposes. We, and FPAs, may permit law enforcement agencies to access and use your personal data to detect, investigate and prevent crime.

Lawful basis of processing. To comply with our legal obligations under the Anti-Money Laundering Regulations and 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 relevant laws.

5.2 Credit checks

Purposes of processing. We perform credit checks on you with one or more credit reference agencies (**CRAs**) and CCR at the time of the relevant financing application (or subsequently if you are a new relevant individual of a corporate entity). We may also make periodic searches at CRAs and CCR to manage your or your organisation's account with us, if we suspect fraud or if we spot that you have provided inaccurate data.

We will supply your personal data to CRAs and CCR and they will give us information about you including information about your financial situation and financial history. CRAs and CCR will supply to us public (including electoral register) information as well as shared credit, financial situation and financial history information and fraud prevention information.

We will use this information to: assess your creditworthiness and whether you or your organisation can afford to take the product; verify the accuracy of the data provided to us; prevent criminal activity, fraud and money laundering; manage your or your organisation's account(s); trace and recover debts; and ensure any offers provided to you or your organisation are appropriate to your circumstances.

Sharing of data. We will continue to exchange information about you with CRAs and CCR while you have a relationship with us. We will inform the CRAs and CCR about your or your organisation's settled accounts, as well as advise them of any missing payment or other non-compliance with the contract(s) between you or your organisation and us ("**Contract**"). 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 and CCR.

Consequences of processing. When CRAs and CCR 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 partner 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 and CCR may 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 or CCR to break that link.

Lawful basis of processing. Our processing activities relating to credit checks are necessary where the financing arrangement is unregulated, for compliance with our legitimate interests in ensuring the creditworthiness of our customer.

5.3 Provision of Products and Services

Purposes of processing. For the purpose of providing our services to you or your organisation including entering into a Contract and thereafter carrying out our obligations under such Contract including, if necessary, enforcement.

Where we have agreed to provide a financing arrangement, such processing will include:

- operating your or your organisation's account;
- administering and managing our products and services; and

- contacting you from time to time by telephone, e-mail or post or otherwise for the purpose of administering your or your organisation's account, including informing you of any arrears.

Sharing of data. We may, 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 safe and secure, as well as introducers, finance brokers, banks, software service providers (including document management and Client Relationship Management system providers), insurance providers and brokers, data storage providers, debt collection agents, valuation companies and dispute resolution providers.

We may disclose relevant personal data to any company which provides maintenance of the asset(s) relating to the Contract, as well as any party which negotiates a purchase of such asset(s).

We may also disclose your personal data to our, your or your organisation's legal advisors, in particular where this is necessary to enforce any Contract.

Lawful basis of processing. Where we have entered or may enter into a Contract directly with you, our processing activities are necessary to enter into and perform that Contract. 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, to maintain network and information security or to enhance, modify and improve our services and products

5.4 **Administrative Information**

Purpose of processing and sharing of data. We may share your personal data with any member of the Macquarie Group for: group-wide risk management, reporting obligations of any member of the Macquarie Group and to efficiently manage any parts of the Macquarie Group's business administration or assets.

We may disclose your personal data to third parties:

- if we sell any business or assets we may on a confidential basis disclose your personal data to the prospective buyer;
- if we or substantially all of our assets are acquired by a third party, in which case personal data held by us about our customers (and their employees, directors, partners, members, beneficial owners or guarantors) will be one of the transferred assets; or
- if you or your organisation does not pay your debt, we may transfer that debt to another organisation and give them details about you and that debt.

Lawful basis of processing. When we process your personal data for the above purposes, we do so on the basis that we have a legitimate interest in pursuing business aims and objectives and managing our credit risk.

5.5 **Compliance with legal obligations**

Purposes of processing and sharing of data. We may process (including share) your personal data with relevant bodies (including the Central Bank of Ireland, Revenue Commissioners, accountants and auditors) in order to comply with any legal obligations binding upon us and to protect the rights, property or safety of our staff, our customers or others. We may also share your personal data with legal advisors, enforcement agencies and any other applicable regulatory authority in order to establish, exercise or defend our legal rights.

Lawful basis of processing. Such processing is necessary for compliance with a legal obligation to which we are subject (including our reporting obligations to the Central Bank of Ireland and the Revenue Commissioners) as well as our obligations under applicable legislation or necessary to protect the vital interests of a natural person or in our legitimate interests in establishing, exercising or defending our legal rights respectively.

6 **Automated decision-making**

As part of the processing of your personal data, 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 or financing that you or your organisation have requested based on your credit profile with CRAs; CCR 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.

7 **Your rights**

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**"), request correction of the personal data that we hold about you, request erasure of your personal data, object to processing of your personal data, request restriction of processing of your personal data, request the transfer of your personal data to you or to a third party or withdraw consent at any time where we are relying on consent to process your personal data.

If you want to exercise any of these rights, please contact us..

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.

You also have the right to complain to the Information Commissioner's Office, about how we are processing your personal data.

8 **Data retention**

We will not hold your personal information for any longer than is necessary for the uses outlined above, unless we are required to keep your personal data longer to comply with the law and any regulatory requirements.

Such legal and regulatory obligations include our reporting obligations to the Central Bank of Ireland and the Revenue Commissioners, as well as our obligations under applicable legislation including the Anti-Money Laundering Regulations.

9 **Data transfers**

Fraud and credit information. We, FPAs and CRAs may transfer your personal data outside of the European Economic Area (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.

Transfers within the Macquarie Group. Whenever we transfer your personal data to any member of the Macquarie Group located outside of the EEA, we do so on the basis of an Intra-Group Data Transfer Agreement which has been signed by all relevant members of the Macquarie Group. This Intra-Group Data Transfer Agreement incorporates the European Commission controller to processor model clauses (C(2010) 593) and ensures that enforceable data subject rights and effective legal remedies for data subjects are available from any recipients within the Macquarie Group.

10 **Failure to provide personal data**

Where we need to collect personal data by law, or under the terms of a Contract and you fail to provide that data when requested, we may not be able to perform the Contract. In this case, we may have to cancel such financing or service you have with us but we will notify you if this is the case at the time.