

West Bromwich Commercial Limited privacy notice

Your personal information and what we do with it
February 2023



WEST BROMWICH
COMMERCIAL LIMITED

Your personal information and what we do with it

We hold and use your personal information as a result of your position within the organisation of our customer. This privacy notice therefore applies to your personal information. The parts of this privacy notice that apply will depend on the reason why we hold your personal information.

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 and transferring it overseas.

Legitimate interests 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 and our Data Protection Officer

West Bromwich Commercial Limited of 2 Providence Place, West Bromwich B70 8AF 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 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 West Bromwich Commercial Limited.

Our Data Protection Officer can be contacted at any time including 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 notice of Credit Reference Agencies (CRAs). We do need to share this with you. Please read it carefully and contact those organisations if you have questions (their details are in their notices).

This privacy notice may be updated from time to time. You should check the webpage www.westbrom.co.uk/subs-privacy-notice regularly so that you can read the up to date version.

Have you been introduced to us by a broker or other intermediary?

Our products and services are from us directly, as well as through professional and financial advisors and anyone else who acts as a person sitting in between you and us in relation to what we do for you. In this notice we will call these persons 'brokers and other intermediaries'.

When a broker or other intermediary processes your personal information on our behalf, this privacy notice will apply and you should contact our Data Protection Officer to exercise your rights under data protection laws. When a broker or other intermediary processes your personal information 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 by the time you are introduced to us.

What kinds of personal information about you do we process?

This includes:

- 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;
- Your nationality, if this is necessary for us to comply with our legal and regulatory requirements;
- Your financial details e.g. your salary and details of other income, details of your savings, details of your expenditure, and details of account(s) held with other providers if you pay your mortgage from those account(s);
- Details about all of your existing borrowings and loans;
- Personal information about your credit history which we obtain from Credit Reference Agencies (CRAs) 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' on page 6);
- Information about your employment status including whether you are 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 the 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.

What is the source of your personal information?

We will generally collect your personal information from you directly. If you are introduced to us by a broker or other intermediary, we will obtain some personal information about you indirectly from them when they introduce you to us.

In addition, we obtain your personal information from other sources such as Fraud Prevention Agencies, Credit Reference Agencies (CRAs), your employer, landlord, other lenders, HM Revenue and Customs (HMRC), Department for Work and Pensions (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. In addition, some of your personal information may come from other members of our Group if you already have a product with them.

Some of the personal information obtained from CRAs 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 on page 6. We have also mentioned on page 4 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 a consent). Here are the legal grounds that are relevant to us:

- 1) Processing necessary **to perform our contract with you:**
 - a) Administering and managing an account and services relating to that, updating your records, tracing your whereabouts to contact you about an account and doing this for recovering debt; and
 - b) All stages and activities relevant to managing an account including enquiry or application, administration and management of accounts.
- 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 an account and services relating to that, updating your records, tracing your whereabouts to contact you about an account and doing this for recovering debt;
 - b) To adhere to guidance and best practice under the regimes of governmental and regulatory bodies such as HM Revenue and Customs (HMRC), the Financial Conduct Authority, the Prudential Regulation Authority, the Financial Ombudsman Service, the Information Commissioner's Office and the Financial Services Compensation Scheme;
 - c) For management and audit of our business operations including accounting;
 - d) 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;
 - e) To carry out monitoring and to keep records;
 - f) To administer our good governance requirements and those of other members of our Group; and
 - g) When we share your personal information with these other people or organisations:
 - Account holders, trustees and beneficiaries, and any person with power of attorney over the account;
 - Members of our Group;
 - 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 Financial Ombudsman Service, the Information Commissioner's Office and the Financial Services Compensation Scheme;
 - 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;

- Actual or proposed transferees, acquirers or assigns of all or part of our rights and obligations;
- Any party with whom we or our agents have, or are considering entering into, a contractual agreement in relation to an account;
- Any actual or proposed provider or arranger of finance relating to an account or any security agent or trustee in connection thereto and each of their respective professional advisers;
- Credit Reference Agencies and their professional advisers; 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 or those of any other member of our Group;
- 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;
- f) To deal with requests from you to exercise your rights under data protection laws; and
- 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).

4) Processing with your **consent:**

- a) When you request that we share your personal information with someone else.

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 about your health or your personal circumstances;
- b) Processing that we need to do to fulfil our legal obligations and regulatory requirements; and
- c) When we share your personal information or details of your personal circumstances with other people and organisations such as members of our Group, your relatives, social services, your carer or 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 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 on page 2.

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 information on our behalf) or if we are required to do so 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 information as they are a data controller in their own right.

Is your personal information transferred outside the UK?

We may transfer your personal information to one of our suppliers outside the UK, but only where adequate protection measures are in place in compliance with data protection laws. For example, transfers of your personal information to the EU/EEA are permitted under the EU's UK GDPR adequacy decision. For transfers to countries without an adequacy decision, we will safeguard your personal information by putting in place data transfer agreements based on the applicable Standard Contractual Clauses and/or make use of other appropriate data transfer mechanisms. We will further protect your personal information by always using encryption methods whereby such information is converted into a code only readable by the organisation to which it is sent.

Cookies, online forms, third party websites and social media websites

Cookies

We use cookies on our website. For detailed information on the cookies we use and the purpose for which we use them, please see our Cookies Policy.

Online forms

When we collect personal data, for example via an online form, we will explain what we intend to do with it.

Third party websites

When we include links to third party websites, please bear in mind they'll have their own privacy and cookie policies. We recommend you read their policies as we're not responsible or liable for these sites.

Social media websites

We are a user of LinkedIn and interact with other users by creating a public profile which includes information on our current activities. If you post on our LinkedIn pages or send us a private or direct message via LinkedIn, we will assume you give permission for us to respond. When we include links to social media sites, please bear in mind they'll have their own privacy and cookie policies. We recommend you read their policies as we're not responsible or liable for their sites.

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). Where you take banking services from us we may also make periodic searches at CRAs to manage your account with us.

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.

We will use this information to:

- Assess your creditworthiness and whether you can afford to take the product;
- Verify the accuracy of the data 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 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. 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.

The identities of the CRAs, their role also as Fraud Prevention Agencies, the data they hold, the ways in which they use and share personal information, data retention periods and your data protection rights with the CRAs are explained in more detail at www.experian.co.uk/crain.

How do we share your information with Fraud Prevention Agencies?

The personal information we have collected 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 and/or finance or employment. Further details of how your information will be used by us and these fraud prevention agencies, and your data protection rights can be found by visiting www.cifas.org.uk/fpn or by contacting dpo@synectics-solutions.com or West Bromwich Commercial Limited at the address on page 2.

What should you do if your personal information changes?

You should tell us without delay so that we can update our records. The contact details for this purpose are:

Data Protection Officer
West Bromwich Commercial Limited
2 Providence Place
West Bromwich
B70 8AF

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 page 8) we may need to inform the broker or other intermediary but this will not always be the case.

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, emails, text messages, social media messages, in face to face conversations 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 or in face to face conversations (as relevant) 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 an account) and for quality control and staff training purposes.

Some of our monitoring may check for obscene or profane content in communications.

We may conduct short term carefully controlled monitoring 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 and/or in face to face conversations between us and you in connection with an account 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.

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 12 months unless we have to keep it for a longer period (see directly below); and
- **Retention in accordance with legal and regulatory requirements, or in case of claims.** We will retain the personal information that we need to keep for the period in which we are required in order to fulfil our legal and/or regulatory requirements, or for the period in which you might legally bring claims against us. This, in practice, means up to 15 years after the relevant relationship you have with us has come to an end or, in some cases, longer where we have reason to believe we need to for any of the reasons stated within this paragraph or where you have made a complaint.

If you would like further information about our data retention practices, contact our Data Protection Officer.

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.

- The **right to be informed** – we have to be transparent with you about the processing that we do with your personal information. This is why we have a privacy notice.
- The **right to have your personal information corrected if it is inaccurate** and to have **incomplete personal information completed** in certain circumstances.
- The **right to object** to processing of your personal information where it is based on legitimate interests, where it is processed for direct marketing communications or where it is processed for the purposes of statistics.
- The **right to restrict processing** of your personal information, subject to certain criteria being met.
- The **right to have your personal information erased** (also known as the ‘right to be forgotten’). This enables an individual to request the deletion or removal of personal information where there is no compelling reason for its continued processing.
- The **right to request access** to the personal information held about you. You may make a request in writing (including email) or verbally (e.g. by calling us). There is no charge to make such a request and we will aim to respond within one calendar month.
- The **right to data portability**. This allows individuals to obtain and reuse their personal information for their own purposes across different services; to move, copy or transfer their personal information easily from one environment to another in a safe and secure way without hindrance to usability.
- **Rights in relation to automated decision making which has a legal effect or otherwise significantly affects you.** This right allows individuals in certain circumstances to access certain safeguards against the risk that a potentially damaging decision is taken **solely** without human intervention.

You have the right to complain to the Information Commissioner’s Office which enforces data protection laws: www.ico.org.uk

If you wish to exercise any of these rights against the Credit Reference Agencies, the Fraud Prevention Agencies, or a broker or other intermediary who is data controller in its own right, you should contact them separately.

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 and social media (e.g. Facebook, Google and message facilities on other platforms) 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 page 2 for what is our legal ground for marketing. You can stop our direct marketing communications at any time by writing to:

Data Protection Officer
West Bromwich Commercial Limited
2 Providence Place
West Bromwich
B70 8AF

Alternatively, you can speak to our Commercial Mortgage Services team on 0345 241 4770 (we are open Monday to Friday 9.00am to 5.00pm).

Braille, audio and large print versions of this leaflet are available upon request. Please contact us on 0345 241 3784.

YOUR PROPERTY MAY BE REPOSSESSED IF YOU DO NOT KEEP UP REPAYMENTS ON YOUR MORTGAGE

REGISTERED OFFICE: 2 Providence Place West Bromwich B70 8AF. REGISTERED IN ENGLAND No. 05285783.

West Bromwich Commercial Limited is a wholly owned subsidiary of West Bromwich Building Society. West Bromwich Building Society is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and Prudential Regulation Authority. Register No. 104877

Calls and electronic communications may be monitored and/or recorded for your security and may be used for training purposes. Your confidentiality will be maintained.

