

# Privacy Statement

## May 2018

### 1. INTRODUCTION

- 1.1 This privacy statement (“**Privacy Statement**”) describes how Lending Works collects, uses, shares and stores personal information about you. This includes both personal information from which you can be easily and instantly identified and personal information from which you can be identified when used in combination with any other information. We collectively refer to this as your “**Personal Information**”.
- 1.2 You should read this Privacy Statement carefully. We will always process any personal data about you in compliance with the European General Data Protection Regulation (“**GDPR**”).
- 1.3 By submitting Personal Information to Lending Works, you acknowledge and understand that it may be processed as set out in this Privacy Statement.
- 1.4 If you are a borrower or prospective borrower, this Privacy Statement is supplementary to and does not replace any terms in your credit agreement about how we or the lender will collect and use your Personal Information. Where there is a conflict, the relevant terms in your credit agreement will prevail.

### 2. IDENTITY OF THE DATA CONTROLLER

- 2.1 The Data Controller under this Privacy Statement is Lending Works Limited.
- 2.2 Lending Works Limited (“Lending Works”, “us”, “we”) is authorised and regulated by the Financial Conduct Authority under firm reference number 723151 and is registered with the Information Commissioner's Office (ICO) under registration number ZA002001.
- 2.3 Lending Works' company registration number is 8302549 and its registered office is at 60 Gray's Inn Road, London, WC1X 8AQ.

### 3. DATA PROTECTION OFFICER

- 3.1 Lending Works has appointed a Data Protection Officer.
- 3.2 The Data Protection Officer may be contacted using the following contact details:

Email: [cs@lendingworks.co.uk](mailto:cs@lendingworks.co.uk)

Post: Lending Works Limited, 60 Gray's Inn Road, London, WC1X 8AQ

Telephone: 020 7096 8512

### 4. PERSONAL INFORMATION WE MAY COLLECT ABOUT YOU

- 4.1 We may collect and process the following Personal Information about you:

#### **Personal Information you give us**

- 4.2 You may give us Personal Information about you by filling in forms, or carrying out any other activity or transaction, on our website ([www.lendingworks.co.uk](http://www.lendingworks.co.uk) or any pages arising from or connected to the stated domain, including any sub-domains, referred to as the “**Website**”) or on the Lending Works Platform (“**Platform**”) or by corresponding with us by telephone, e-mail, using an online enquiry form, via social media or otherwise. This includes Personal Information you provide when you enter a competition, promotion or survey and when you report a problem with our Website or Platform. The Personal Information you give us may include (but is not limited to) your name, address, date of birth, income, email address, phone number, financial and credit/debit card information, personal description

and business information, and any photographs. If you give us Personal Information on behalf of someone else, you confirm that you have given them the information set out in this Privacy Statement and that they have given permission for us to use their Personal Information as set out in this Privacy Statement.

#### **Information we automatically collect about you**

- 4.3 Every time you visit our Website, we may automatically collect the following Personal Information:
- 4.3.1 Technical Personal Information, including the Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform;
  - 4.3.2 Personal Information about your visit, including the full Uniform Resource Locators (URLs) to, through and from our Website (including date and time); products you viewed or searched for; page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page and any phone number used to call our customer service number; and
  - 4.3.3 Any other Personal Information set out in our [Cookie Policy](#) not covered above.

#### **Information we receive from other sources**

- 4.4 We may receive Personal Information about you from:
- 4.4.1 Our business partners and affiliates;
  - 4.4.2 Our payment service providers and our bank(s);
  - 4.4.3 Credit reference agencies; and
  - 4.4.4 Fraud prevention agencies.

#### **Geo-location Personal Information**

- 4.5 Some devices allow applications to access real-time location-based Personal Information (for example GPS). If you access our Website or Platform from any such devices, we may collect such Personal Information from your mobile device at any time while you download or use our Website or Platform. We may use this Personal Information to optimise your experience and to help us prevent and detect fraud.

### **5. DISCLOSING PERSONAL INFORMATION**

- 5.1 We may disclose any Personal Information we obtain under this Privacy Statement, for the purposes set out in this Privacy Statement, to:
- 5.1.1 any of our affiliates and business partners if it is deemed necessary for the performance of a contract you have entered into with us, for our legitimate interests or the legitimate interests of a third party;
  - 5.1.2 institutional or corporate lenders on the Platform (we will never share your Personal Information with consumer lenders);
  - 5.1.3 any retailers from whom you purchase or propose to purchase goods and/or services using point of sale finance provided by us;
  - 5.1.4 our payment processors and suppliers and any third parties who process transactions submitted by us;
  - 5.1.5 any external providers of services and benefits associated with your Lending Works Account;

- 5.1.6 collection agencies and lawyers for the purpose of collecting debts on your Lending Works Account;
  - 5.1.7 law enforcement, crime prevention and taxation authorities;
  - 5.1.8 any party approved by you;
  - 5.1.9 anyone to whom we may transfer our contractual rights;
  - 5.1.10 any other person under an order of the Court; and
  - 5.1.11 any other person or party set out elsewhere in this Privacy Statement.
- 5.2 If you are a prospective borrower and we are unable to approve your loan application, we may offer you the opportunity to be referred to a partner loan broker. **Where this is the case, we will only pass your Personal Information over if you agree to us doing this at that time.**
- 5.3 Borrowing and lending via the Lending Works Platform is fully anonymous. We will not share Personal Information between borrowers and lenders, other than where the lender under a credit agreement is an institutional lender, in which case the company details of that lender and the details of the borrower will be disclosed within the credit agreement, which will be made available to both parties.
- 5.4 If you have been referred to us from a credit broker, an intermediary, a retailer from whom you purchase or propose to purchase goods and/or services using point of sale finance provided by us, a lender, or another peer-to-peer lending platform, we may disclose Personal Information we obtain under this Privacy Statement to them if it is deemed necessary for our legitimate interests or their legitimate interests, for example to calculate appropriate referral fees and commissions (if applicable).

## 6. USE OF YOUR PERSONAL INFORMATION

- 6.1 We may use Personal Information about you (obtained by us as set out in this Privacy Statement), either on its own or aggregated or combined with other Personal Information, for any of the following purposes:

### **Delivering our products and services to you**

- 6.2 This will include:
- 6.2.1 effecting, processing, delivering and performing a contract you have entered into with or through us;
  - 6.2.2 processing applications for products and services available through us, including making decisions about whether to agree or approve your application;
  - 6.2.3 helping us better understand your financial circumstances and behaviour so that we may make decisions about how we manage your Lending Works Account;
  - 6.2.4 effecting your transactional decisions including to process transactions you make in your Lending Works Account;
  - 6.2.5 making available to you certain functions and tools on our Website and Platform in relation to your Lending Works Account;
  - 6.2.6 communicating with you, including by telephone, e-mail and SMS, about your Lending Works Account;
  - 6.2.7 giving you important information about updated and new features and benefits associated with your existing products and services with us and benefits and to notify you about changes to our products and services;
  - 6.2.8 answering questions and responding to your requests;

- 6.2.9 administering, servicing and managing your Lending Works Account; and
- 6.2.10 carrying out any of our obligations arising from any contracts entered between us.

### **Managing risks relating to our business, including credit risk, fraud risk and operational risk**

6.3 This will include:

- 6.3.1 making decisions about how we manage your Lending Works Account, including approving individual transactions;
- 6.3.2 if you are a borrower or prospective borrower, making credit underwriting decisions, including assessing creditworthiness and affordability and the amount of credit we can make available to you; and
- 6.3.3 developing risk management policies, models and procedures used in the management of customers' accounts and our business generally.

## **7. CREDIT REFERENCE AGENCIES**

- 7.1 Reference to credit reference agencies is primarily in relation to borrowers and prospective borrowers. Other than as set out in clause 7.4, we do not share any Personal Information with credit reference agencies about lenders and prospective lenders.
- 7.2 We will exchange your Personal Information (provided to us as set out in this Privacy Statement) with credit reference agencies and fraud prevention agencies as set out in this and the next section. We may also exchange your Personal Information which you have not provided us with credit reference agencies and fraud prevention agencies. This is not limited to such agencies based in the United Kingdom and includes such agencies overseas.
- 7.3 If you are a borrower or prospective borrower:
  - 7.3.1 If you apply for a loan quotation and/or apply for a loan with us, we will search your records at credit reference and fraud prevention agencies. We may use the Personal Information recorded by these agencies for the purposes of assessing lending and credit risks (including assessing creditworthiness and affordability) and identifying, preventing, detecting or tackling fraud, money laundering and other financial crime. Any credit reference agency that is searched as a result of your use of the Lending Works Platform will keep a record of any search, and other lenders may use it to assess applications they receive from you in the future;
  - 7.3.2 We may, from time to time and on an ongoing basis, use credit reference agencies to verify your bank account details, and search your records and update them with fraud prevention agencies to prevent, detect and tackle fraud, money laundering and other financial crime;
  - 7.3.3 We may inform credit reference agencies of the current balance on your Lending Works Account and credit agreement(s), the payments you make under it, any default or failure to keep its terms (including your failure to make payments when due) and any change of name or address. They will record this Personal Information against your credit file and it may be shared with other organisations for the purpose of assessing applications from you, and applications from any other party with a financial association with you, for credit or other facilities, for other risk management purposes and for preventing fraud and tracing debtors. As a general rule, we will give you at least 28 days' notice if we decide to file a default on your credit reference file. However, we may not always give you notice beforehand, for example, if we plan to take court action;
  - 7.3.4 We may carry out ongoing further searches of your record at credit reference and fraud prevention agencies whilst any money is owed by you on your Lending Works Account (including contacting your bank, building society or any other person approved by you). We will do this to assist us managing your Lending Works Account and to prevent fraud or any other unlawful activity;

7.3.5 We may use credit reference agencies to trace and recover debts; and

7.3.6 We do not provide joint loans but if you tell us that you have a spouse or financial associate, we will link your records together, so you must be sure you have their permission to disclose Personal Information about them. Credit reference agencies link your records together with those of your financial associates and these links will remain on your and their files until such time as you or your partner successfully file for a disassociation to break the link.

7.4 If you are a lender or prospective lender we may, from time to time, use credit reference agencies to verify your bank account details, and search your records and update them with fraud prevention agencies to prevent, detect and tackle fraud, money laundering and other financial crime;

7.5 Credit reference agencies may also share your Personal Information with other organisations. When Credit reference agencies receive a search from us they will place a search footprint on your credit file that may be seen by other lenders.

7.6 The identities of the UK credit reference agencies, 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 Credit reference agencies are explained in more detail within the Credit Reference Agency Information Notice (**CRAIN**). This Notice is accessible from each of the three credit reference agencies below – clicking on any of these three links will take you to the same CRAIN document:

7.6.1 Equifax: [www.equifax.co.uk/crain](http://www.equifax.co.uk/crain)

7.6.2 Experian: [www.experian.co.uk/crain](http://www.experian.co.uk/crain)

7.6.3 Callcredit: [www.callcredit.co.uk/crain](http://www.callcredit.co.uk/crain)

7.7 You are entitled to access your personal records held by credit and fraud prevention agencies. Other than as set out in 7.6, if you would like more details of the credit reference and fraud prevention agencies from which we have obtained or may obtain Personal Information about you, please contact us at [cs@lendingworks.co.uk](mailto:cs@lendingworks.co.uk).

## 8. FRAUD PREVENTION AGENCIES AND CONSEQUENCES OF PROCESSING

8.1 This section is supplemental to section 7 above.

8.2 We share Personal Information with fraud prevention agencies about both active and prospective lenders and borrowers.

8.3 Before we provide you with our products and services, we undertake checks for the purposes of preventing fraud and money laundering, and to verify your identity. These checks require us to process Personal Information about you.

8.4 The Personal Information you have provided us with, we have collected from you, or we have received from third parties (as described in section 4), will be used to prevent fraud and money laundering, and to verify your identity.

8.5 Details of the Personal Information that will be processed include, for example: name, address, date of birth, contact details, financial information, employment details, device identifiers including IP address and vehicle details.

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

8.7 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 using the contact details set out at section 3.2 above.

- 8.8 If you provide us with false or inaccurate Personal Information at any stage of the customer journey and we suspect any unlawful activity such as fraud or money laundering, this will be recorded, and we will pass details to fraud prevention agencies. We and other organisations may also access and use this Personal Information to prevent any unlawful activity, such as fraud and money laundering, including when:
- 8.8.1. Checking and verifying your identity;
  - 8.8.2. Checking and verifying details on applications for credit, credit related or other financial products and facilities;
  - 8.8.3. Managing credit, credit related or other financial products and facilities;
  - 8.8.4. Recovering debt;
  - 8.8.5. Checking details on proposals and claim for all types of insurance.
- 8.9 We and fraud prevention agencies may also enable law enforcement agencies to access and use your Personal Information to detect, investigate and prevent crime.
- 8.10 We process your Personal Information on the basis that we have a legitimate interest in preventing fraud and money laundering, and to verify your identity, in order to protect our business and to comply with legal and regulatory provisions that apply to us. Such processing is also a contractual requirement of the contract you are entering into with us.
- 8.11 Fraud prevention agencies can hold your Personal Information 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.
- 8.12 Whenever fraud prevention agencies transfer your Personal Information outside of the European Economic Area, they impose contractual obligations on the recipients of that data to protect your Personal Information to the standard required in the European Economic Area. They may also require the recipient to subscribe to 'international frameworks' intended to enable secure data sharing.
- 8.13 Your Personal Information is protected by the legal rights set out in sections 13 – 18 of this Privacy Statement. For more information or to exercise your data protection rights, please contact us using the contact details in paragraph 13.4.
- 8.14 You also have a right to complain to the Information Commissioner's Office which regulates the processing of personal data. How to do this is set out in section 21.
- 9. THIRD PARTY ACCOUNT MANAGEMENT**
- 9.1 If you request a third party to manage your Lending Works Account and we agree to do this (we will never unreasonably withhold our consent), we may share your Personal Information obtained as set out in this Privacy Statement with that third party.
- 9.2 **Where this is the case, we will only pass your Personal Information over if you agree to us doing this at that time.**
- 9.3 You acknowledge that we will not be able retrieve any Personal Information we have already sent to any such third party.
- 10. STORING YOUR PERSONAL INFORMATION**
- 10.1 Any Personal Information we obtain about you will not be held by us outside of the European Economic Area ("EEA").
- 10.2 Your Personal Information will be stored in a secure data centre that has been specifically chosen because of the security it provides. It is independently audited for the purposes of keeping your

Personal Information safe. Furthermore, your Personal Information is encrypted so that it cannot be read by anyone but us.

- 10.3 We generally do not permit any of our external third-party suppliers to transfer and store customer data outside of the EEA, however we cannot guarantee this. It may also be processed by staff operating outside the EEA who work for those suppliers. Where this is the case and we are made aware of this, we will take all steps reasonably necessary to ascertain and seek assurance from any such third party that your data will be treated securely and provided no less security and protection than it would if it were stored in the EEA.
- 10.4 Where we have given you (or where you have chosen) a username and password which enables you to access certain parts of our Website and Platform, you are responsible for keeping this username and password confidential. You must not share these with anyone, and you authorise us to act upon instructions and Personal Information from any person that enters your user ID or password.

## **11. DATA SECURITY**

- 11.1 We use advanced technology, secure third-party suppliers and well-defined employee practices to help ensure that your Personal Information is processed promptly, accurately, completely and securely. The processing of your Personal Information will be performed by manual and automated means. In order to maintain the effectiveness and security of these systems, policies and procedures, we may also from time to time process your Personal Information for internal testing purposes.
- 11.2 You do however acknowledge that the transmission of Personal Information via the internet is not completely secure. Although we will do our best to protect your Personal Information as set out above, we cannot completely guarantee the security of your Personal Information transmitted to our Website. Once we have received your Personal Information, we will use strict procedures and security features to try to prevent unauthorised access.

## **12. RETENTION OF YOUR PERSONAL INFORMATION**

- 12.1 We keep Personal Information obtained about you as set out in this Privacy Statement for up to six years after you close your Lending Works Account, in order to prevent fraud or other financial crime.

## **13. ACCESS TO YOUR PERSONAL INFORMATION**

- 13.1 Under the GDPR, you have the right to ask for confirmation that your personal data is being processed and request a copy of the Personal Information that we hold about you (but only in relation to your own "personal data"). This is called a "subject access request".
- 13.2 If you would like a copy of some or all of your Personal Information, please contact us to request this by telephone, e-mail or in a letter and we will provide you with this within the statutory timeframe of 30 days. We may extend the period by a further two months where requests are complex or numerous. If this is the case, will inform you within one month of the receipt of the request and explain why the extension is necessary. You should mark the request as "subject access request".
- 13.3 We will provide you with the Personal Information free of charge. However, where we receive requests which are manifestly unfounded or excessive or repetitive, we may:
- 13.3.1 charge a reasonable fee taking into account the administrative costs of providing the Personal Information; or
  - 13.3.2 refuse to respond.
- 13.4 Our details for making a request are as follows:

### ***Telephone***

Our Customer Service team is available Monday to Friday from 9.00 am - 5.30 pm on 020 7096 8512.

**Email**

You can email our Customer Service team anytime at [cs@lendingworks.co.uk](mailto:cs@lendingworks.co.uk).

**Post**

You can write to us at our London office: Lending Works Limited, 60 Gray's Inn Road, London, WC1X 8AQ.

**14. RIGHT TO RECTIFICATION**

- 14.1 You have the right to have inaccurate personal data rectified.
- 14.2 You also have a right to have incomplete personal data completed.
- 14.3 You can make a request for rectification using our contact details in clause 13.4. If you make a request for rectification, you must provide us with details of what is inaccurate or incomplete together with any supporting evidence or Personal Information. You should mark the request as "right to rectification". We will respond to you within 30 days. We may extend the period by a further two months where requests are complex or numerous. If this is the case, will inform you within one month of the receipt of the request and explain why the extension is necessary.
- 14.4 When dealing with your request, we will take reasonable steps to satisfy ourselves that the data is accurate and complete. If we are satisfied that it is not, we will take required steps to rectify/ complete the data taking into account the arguments and evidence provided by you and Personal Information we received from other sources.
- 14.5 Whilst we are dealing with your request, we will restrict processing of your personal data as far as is reasonable and practical and in our control.
- 14.6 If, after having considered your request, we are satisfied that the personal data is accurate and not incomplete, we will let you know that we will not be amending the data and why. You will have the right to make a complaint to the ICO or seek other redress through the courts.
- 14.7 If the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature, we may:
  - 14.7.1. request a "reasonable fee" to deal with the request; or
  - 14.7.2. refuse to deal with the request
- 14.8 If paragraph 14.7 applies, we will write to you to let you know. You will have the right to make a complaint to the ICO or seek other redress through the courts.

**15. RIGHT TO ERASURE**

- 15.1 You have the right to have personal data erased. This is also known as the 'right to be forgotten'. This is a limited right and only applies in certain circumstances.
- 15.2 You have the right to have your personal data erased if:
  - 15.2.1. the personal data is no longer necessary for the purpose for which it was originally collected or processed;
  - 15.2.2. if we are relying on your consent as a lawful basis for holding the data, and you have withdrawn your consent;
  - 15.2.3. we are relying on legitimate interests as our basis for processing and you object to the processing of your data, and there is no overriding legitimate interest to continue this processing;



- 15.2.4. we are processing the personal data for direct marketing purposes and you object to that processing; or
- 15.2.5. we have processed the personal data unlawfully i.e. without lawful basis.
- 15.3 You can make a request for erasure using our contact details in paragraph 13.4. If you make a request for erasure, you must provide us with details of what Personal Information you want to be erased. You should mark the request as “right to erasure”. We will respond to you within 30 days. We may extend the period by a further two months where requests are complex or numerous. If this is the case, will inform you within one month of the receipt of the request and explain why the extension is necessary.
- 15.4 The right to erasure does not apply if processing is necessary for one of a number of reasons. If it does not apply we will write to you to let you know.
- 15.5 If a request for erasure is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature, we may:
  - 15.5.1. request a "reasonable fee" to deal with the request; or
  - 15.5.2. refuse to deal with the request.
- 15.6 If paragraph 15.5 applies, we will write to you to let you know. You will have the right to make a complaint to the ICO or seek other redress through the courts.
- 16. RIGHT TO RESTRICT PROCESSING**
- 16.1 You have the right to restrict the processing of your personal data. This is a limited right and only applies in certain circumstances.
- 16.2 This is an alternative to requesting the erasure of your data under section 15. This not an indefinite restriction in most cases and may be limited to having the restriction in place for a certain period of time.
- 16.3 You have the right to request you restrict the processing of your personal data if:
  - 16.3.1. you contest the accuracy of your personal data and we are verifying the accuracy of the data;
  - 16.3.2. the data has been unlawfully processed (i.e. in breach of the lawfulness requirement under the GDPR) and you oppose erasure and request restriction instead;
  - 16.3.3. we no longer need the personal data, but you need us to keep it in order to establish, exercise or defend a legal claim; or
  - 16.3.4. you have objected to us processing your data under section 16 and we are considering whether our legitimate grounds override those your rights.
- 16.4 You can make a request for a restriction of processing of your personal data using our contact details in paragraph 13.4. If you make this request, you must provide us with details of why you want the restriction. You should mark the request as “right to restrict processing”. We will respond to you within 30 days, but we may action the restriction immediately. We may extend the period by a further two months where requests are complex or numerous. If this is the case, will inform you within one month of the receipt of the request and explain why the extension is necessary.
- 16.5 If we proceed with the restriction, we will still be able to store the data, unless you also make a request for erasure under section 15 and we agree.
- 16.6 Where the restriction of processing is only temporary, we will notify you in writing **before** we lift the restriction.
- 16.7 If a request for restriction of processing is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature, we may:

16.7.1. request a "reasonable fee" to deal with the request; or

16.7.2. refuse to deal with the request.

16.8 If paragraph 16.7 applies, we will write to you to let you know. You will have the right to make a complaint to the ICO or seek other redress through the courts.

## **17. RIGHT TO OBJECT**

17.1 You have the right to object to the processing of your personal data. This is a limited right and only applies in certain circumstances.

17.2 Two of the main circumstances in which you can object are in relation to direct marketing (including profiling) and processing for purposes of scientific/historical research and statistics, both of which are covered in the [Customer Marketing Statement](#).

17.3 You can raise an objection to processing of your personal data using our contact details in paragraph 13.4. If you make this request, you must provide us with details of why you want to objection the restriction. You should mark the request as "right to object". We will respond to you within 30 days. We may extend the period by a further two months where requests are complex or numerous. If this is the case, will inform you within one month of the receipt of the request and explain why the extension is necessary.

17.4 If the right to object does not apply, we will let you know at time of request.

## **18. RIGHT TO DATA PORTABILITY**

18.1 The right to data portability allows you to obtain and reuse your personal data for your own purposes across different services. It allows you to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.

18.2 This is a limited right. The right to data portability only applies:

18.2.1. to personal data you have provided us;

18.2.2. where the processing is based on your consent or for the performance of a contract; and

18.2.3. when processing is carried out by automated means.

18.3 You can make a request for portability of your personal data using our contact details in paragraph 13.4. You should mark the request as "right to data portability". We will respond to you within 30 days. We may extend the period by a further two months where requests are complex or numerous. If this is the case, will inform you within one month of the receipt of the request and explain why the extension is necessary.

18.4 We will provide you with your personal data in a structured, commonly used and machine-readable form so that that software can extract specific elements of the data. This should enable other organisations to use the data, but we cannot guarantee this. At your request we may be able to transmit the data directly to another organisation if this is technically feasible.

18.5 If a request for data portability is manifestly unfounded or excessive, taking into account of whether the request is repetitive in nature, we may:

18.5.1. request a "reasonable fee" to deal with the request; or

18.5.2. refuse to deal with the request.

18.6 If paragraph 18.5 applies, we will write to you to let you know. You will have the right to make a complaint to the ICO or seek other redress through the courts.

## **19. RIGHTS RELATED TO AUTOMATED DECISION MAKING**

- 19.1 We will initially use your Personal Information to carry out automated individual decision-making (making a decision solely by automated means without any human involvement in the decision-making process).
- 19.2 Where we have made a decision solely by automated means without any human involvement in the decision-making process, you have the right to:
- 19.2.1. have the decision reviewed with human intervention;
  - 19.2.2. express your point of view; and
  - 19.2.3. obtain an explanation of the decision and challenge it.
- 19.3 If we make a negative decision about you solely by automated means, you have the right to have the decision reviewed by human intervention and to express your point of view. At that stage you should also provide us with any additional information that you think will support your application. If you want to get in touch with our Underwriting Team, please use our contact details in 13.4.

## **20. CRIMINAL OFFENCE DATA AND SPECIAL CATEGORY DATA**

- 20.1 Unless permitted or required to do so by law (including upon an order of the Court):
- 20.1.1. we will never actively collect any Personal Information which is defined as “criminal offence data” or “special category data” (or “sensitive personal data”) under the GDPR; and
  - 20.1.2. if we receive any Personal Information which is defined as “criminal offence data” or “special category data” (or “sensitive personal data”) under the GDPR, we will always apply the highest standards to such Personal Information as we do we all Personal Information under this Privacy Statement and we will never disclose any Personal Information which is classified as “sensitive personal data” or “special category data” (as defined under the GDPR) without your explicit consent.

## **21. MAKING A COMPLAINT TO THE ICO**

- 21.1 If you want to make a complaint about Lending Works or how we have handled your personal data you can e-mail us at [cs@lendingworks.co.uk](mailto:cs@lendingworks.co.uk), with brief details of your complaint and your Lending Works Membership Number.
- 21.2 For full details of our complaints procedure including how we deal with your complaint, please visit [www.lendingworks.co.uk/complaints](http://www.lendingworks.co.uk/complaints).
- 21.3 If you raise a complaint, in the unlikely event that we are unable to resolve your complaint, you may also be able to refer the complaint to the Information Commissioner’s Office (ICO), details of which can be found at [www.ico.org.uk](http://www.ico.org.uk). You can also do this without first complaining to us.

## **22. COOKIES**

- 22.1 Our Website uses “cookies” and other technologies, which store small amounts of technical information on your computer or device, to allow certain Personal Information from your web browser to be collected. You can find more details about this in our [Cookie Policy](#).
- 22.2 You may be able to configure your browser not to accept cookies, although this may affect your ability to use the services we provide.

## **23. LENDING WORKS CONTACTING YOU**

- 23.1 We may contact you by telephone, e-mail or in writing for general operational purposes and for the administration of your Lending Works Account, including to validate your identity.

- 23.2 If you apply to become a borrower, we might contact you to request further Personal Information for our underwriting process and will send regular emails to update you on the progress of your loan application. If you are approved and accept your loan, we will then contact you at regular intervals to keep you informed about your loan, particularly if you miss any payments.
- 23.3 If you apply to become a lender, we might contact you to request or verify further Personal Information as required, particularly regarding confirmation of your identity in order to help prevent fraud and other financial crime such as money laundering.

## 24. **LAWFUL BASIS**

- 24.1 We will always collect any personal data about you in compliance with the GDPR.
- 24.2 Under the GDPR, we are required to tell you about the lawful basis for processing your personal data under this Privacy Statement.
- 24.3 We will process your personal data under this Privacy Statement for one or more of the following reasons:
- 24.3.1. **Contract:** The processing is necessary to effect, process, deliver and perform a contract you have entered into with us through the Website and Platform, including any application to become a borrower or lender irrespective of whether or not we or you decide to proceed with application and form a contract.
- 24.3.2. **Legal obligation or regulatory obligation:** The processing is necessary for us to comply with the legal or regulatory requirements applicable to us. This includes where we are ordered by a court of law to process the personal data.
- 24.3.3. **Legitimate interests:** The processing is necessary for our legitimate interests or the legitimate interests of a third party, unless we think there is a good reason to protect your personal data which overrides those legitimate interests. We will only ever rely on this basis after having given proper and due consideration to the legitimate interests in question and your personal interests.

## 25. **CHANGES TO THIS PRIVACY STATEMENT**

- 25.1 We may change any provision of this Privacy Statement at any time without your permission. We may inform you in advance of any such changes or notify you immediately thereafter.
- 25.2 We may do this by posting a new version on our Website, by sending you a notification message within your Lending Works Account or by emailing you.

## 26. **MARKETING**

- 26.1 How we process your personal data for the purposes of marketing, advertising, making available promotional offers and information, and performing statistical analysis and/or conducting market research marketing (including profiling) is set out in our [Customer Marketing Statement](#).
- 26.2 You will be given the choice of whether or not you wish to agree to the Customer Marketing Statement. This is not required for you to enter into any contract with Lending Works.