

Privacy Notice

The purpose of this notice is to provide you with all information necessary for you to understand how we process the personal information we have about you. It is written to comply with the General Data Protection Regulations (“GDPR”) which took effect from 25th May 2018. The purpose of GDPR is to protect you against misuse of your personal information and it does so by ensuring that all entities who collect, use, disclose or otherwise process personal information do so in accordance with one or more legal justifications. For the purposes of the GDPR, we will be the “controller” of all personal data which we hold about you. You can find our contact details at the end of this privacy notice.

We collect and use a wide variety of information about different classes of people including members who never borrowed, loan applicants, the spouses/partners of loan applicants, guarantors of loans, staff, volunteers, nominees and service providers.

For membership, the very basic information we need to know is your name and contact details. The anti-money laundering laws amplify this by requiring us to collect, and keep up to date, more precise details such as date of birth, gender, photo ID & proof of address. This must be evidenced from documentation such as passports or utility bills. Revenue obliges us to collect your details of your tax residence and PPSN.

Compliance with our anti-money laundering and combating terrorist financing obligations: To comply with anti-money laundering laws, we also collect high level information about your occupation, where you work, family circumstances and accommodation arrangements. We do this so that if any unusual transactions go over your account, we are able to make an informed assessment of whether we have grounds for making a suspicious transaction report to the Gardai & Revenue.

The information provided by you will be used for compliance with our customer due diligence and screening obligations under anti-money laundering and combating terrorist financing obligations under the money laundering provisions of the Criminal Justice Act 2013, the Criminal Justice (Money Laundering and Terrorist Financing) Act 2018 and the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2021 (the latter two were introduced under the 4th and 5th AML/CTF EU Directives). This will include filing reports,

- on the Beneficial Ownership Register for Certain Financial Vehicles (“CFV”),
- on the Bank Account Register,
- on the European Union Cross Border Payment Reporting (“CESOP”),
- on the Central Register of Beneficial Ownership of Trust (“CRBOT”)
- and the Ireland Safe Deposit Box Bank and Payment Register (ISBAR).
- for members who are tax resident other than in Ireland, the Common Reporting Standard (“CRS”)

These reporting obligations require that Arklow Credit Union submit certain member data to the relevant authorities administering the registers, such as the Central Bank of Ireland or the Revenue Commissioners.

Central Electronic System of Payment Information (CESOP) database:

From January 2024. Payment Service Providers (PSPs), including Arklow Credit Union, will submit data on cross-border payments received by businesses from customers. PSPs will submit this data to the tax administrations in each European Union (EU) Member State in which they provide services.

All tax administrations will send the data to a centralised European Union database, the Central Electronic System of Payment Information (CESOP). This data will be aggregated within CESOP and made available to designated staff within each tax administration. The data will be used to ensure that the correct amount of Value-Added Tax is being remitted in each Member State.

When completing a **loan application**, we ask you to complete a simple medical questionnaire to ensure that the Loan Protection Cover is available to clear that loan in the event of your death.

We also collect all information necessary to support any loan application such as details of employment, bank statements, dependents, whether you rent or own your home etc.

Lawfulness of Processing

We rely on Legitimate Interests as a lawful basis for processing, including developing strategy, undertake statistical analysis, and assess current and future Credit Union financial performance.

As part of our commitment to making informed decisions about products and services, we utilise data analytics to analyse our common bond performance. This analysis, conducted by a trusted third-party provider under contract, ensures that we act in the legitimate interests of our members, who are the ultimate owners of the credit union, and safeguard the financial stability of the credit union into the future.

It is important to note that we do not use data in its original state where individuals can be identified, and no analytics are carried out prior to anonymisation of the data. The only processing exception is our geo-location application, which transforms addresses into small area codes to prevent individual households from being identifiable. However, if you are not happy with your data being processed in this manner, you have the right to object by contacting us using the details provided at the bottom of this notice. Your trust and confidence are integral to our operations, and we are committed to addressing any concerns you may have regarding the use of your information.

Arklow Credit Union's use of Automated Decision Making:

The Credit Union sometimes uses automated decision making to enable us to deliver decisions within a shorter time frame and to improve the efficiency of our processes. An example of where we use automated decision-making is as part of our credit decision process, which involves assessing your application for credit, taking account of your current circumstances and evaluating your ability to meet the required repayments. The decision process takes into account different types of information, for example: information you have provided in your application such as the amount requested, the repayment period, your income, employment details, credit history with credit reference agencies such as the Central Credit Register and details of other credit facilities you may have such as loans, overdrafts and credit cards. The Credit Union uses this information to apply internal credit assessment rules in a consistent manner. This ensures that your application for credit is treated fairly, efficiently and that we believe you can afford the required repayments. We review the automated credit decision making process on an ongoing basis to ensure that it remains fair, efficient and unbiased in order to better serve our members. Automated decision making is only used to approve loan applications. Automated decision making is never used by the Credit Union to decline loan applications.

Central Credit Register ("CCR")

If you apply for a loan, we shall need to assess your repayment capacity which will usually require us to conduct a credit check. The main reason we are required to use the CCR credit register is to ensure that loan applicants have not built up a bad lending record with other lenders. A condition of use is that we also send them details of our members' loans and repayment histories so that other lenders have sight of the borrowing and repayment record..

The Central Credit Register ("CCR") was established by the Central Bank in 2017. Membership is not voluntary. The law requires that from 30th September 2018 all lenders MUST conduct credit checks before approving any loans of €2,000 or more. The CCR has histories going back to June 2017.

Contact details for the CCR credit register can be found at the bottom of this notice. As stated at the outset, the purpose of this notice is to inform you of various matters relating to the GDPR. It also requires that **the legal justification** is disclosed to the people in question.

Therefore, the disclosures we wish to make are as follows:

1. It is a condition of applying for a loan that we shall be both conducting a CCR credit check and passing details of your repayment history to the CCR. The legal justification for so doing under GDPR is that it is in the credit union's **Legitimate Interests** to do so (i.e., to facilitate a full and accurate assessment of loan applications and avoid over-indebtedness) and it does not infringe your fundamental rights to privacy. Conducting credit checks on loan applicants is a widely accepted practice for all lenders and there is no known basis for arguing that it infringes the fundamental rights to privacy of the loan applicant. In essence, the only way you can avoid having a credit check conducted is to withdraw your loan application.
2. The CCR is also using **Legitimate Interests** as the GDPR justification for its processing of the information we send them.
3. Another legal justification permissible under GDPR is where the task at hand is required for compliance with a **Legal Obligation**. This is the justification we are using for
 - conducting CCR credit checks on loan applications of more than €2,000
 - passing all credit status and histories for loans above €500 to the CCR.
4. However, even though the law does not oblige us to conduct CCR checks on loan applications below €2,000, we still plan to do so, as a matter of policy. We are using the **Legitimate Interests** justification as set out in 2. above for this.

Because of the potential sensitivity of credit checks, all loan applicants must sign a statement acknowledging their awareness that we shall be conducting credit checks.

We collect the names of participants in Children's Quiz and Art Competitions. The rules of our member prize draw also permit us to publicise the names of all winners (which includes social media). We also record attendance at general meetings.

From time to time, we email members with information about the credit union as well as the products and services it offers. We are using **Legitimate Interests** as the legal basis for this. Given that the credit union is a mutual organization owned by its members and the benefits of such activities accrue to the members who we email, we do not believe that such emailing overrides the fundamental rights of their recipients. However, we shall abide by any request to be excluded from such emails.

We do not market non-members on an unsolicited basis by emails or text.

We sometimes take photographs of credit union events, such as member draws, the AGM or other promotional activities. Where you are the only or one of the main persons photographed and clearly pose for the photos, we will take this as your **Consent** for us to use them for marketing purposes on our website, information newsletters or AGM notices however no photos of you will go up on Facebook or other social media without your written consent. It is not practical to obtain such consent for larger group shots (of knowing participants) or where you appear in the background of a photo not aimed at you and use of such photos on our website, information newsletters or AGM notices will be based on **Legitimate Interests**.

We have CCTV in operation both inside and outside the credit union. We do not record telephone calls.

For members as well as staff, we have the bank account details you provided to enable money to be sent to your bank account.

For staff, we have all information provided when you apply for employment. We also have your contact details, attendance, sickness & leave records, medical certificates, performance reviews as well as grievance & disciplinary records. For officers who are subject to the Central Bank's Fitness and Probity regime, we review and retain the information that is provided to us by those people. We also conduct checks for Court judgements, disqualifications and administrative sanctions by the Central Bank, other regulators and professional bodies.

If you contact us by email, the address from which the incoming email was sent will be evident, as well as the contents of the email.

Our website, www.arklowcu.ie uses external scripts and cookies from third parties to enhance your browsing experience, to create a secure and effective website for our customers and to provide advertising we think may be of interest to you.

We will only use third party scripts and cookies with your explicit permission which you can grant by clicking "Allow all cookies". You may withdraw your permission at any time via the Help / Cookie Settings menu item. You can also disable or delete cookies via your browser settings. To find out how to manage and disable cookies please read our Cookie Notice on our website.

We disclose information about you to various parties, mostly where required by law. These include the Central Bank, Revenue, the Gardai (in respect of money laundering suspicions), the CCR and ECCU, the insurer who provides Loan Protection, Life Savings & Death Benefit Insurance cover. Our auditors also need to see personal information relating to members, staff and others to complete their audit.

Data Sharing

We also use a variety of service providers who have access to different kinds of information about you. These include suppliers of our computer systems, cloud storage providers, solicitors, debt collection service providers, internal auditors, risk management and compliance consultants, CCTV maintenance firms & other outsourced service providers. In all cases we ensure that these service providers are of good standing & repute and commit to keeping your information safe and secure. They are also prohibited from passing information about you to any other person.

Ways in which we may share personal information include engaging professional services of third parties, who provide specialised services to us under contract, any such parties are bound by confidentiality.

We engage third party providers to assist with our common bond analysis. No analytics are carried out on data where individuals are identifiable. Our providers may in-turn share this data with the Irish League of Credit Unions (ILCU) to facilitate the compilation of accurate statistical information of the overall Credit Union sector.

This data would be used by the ILCU for national and regional analysis as well as in providing valuable sectoral information which could be used for advocacy purposes, such as when engaging with government on behalf of Credit Unions.

We do not transfer or allow the transfer of any information about you outside the European Economic Area, which means that all such information enjoys the protections provided by EU law.

The disclosure of personal information to State agencies (e.g. Central Bank, Revenue, Gardai), statutory auditors that we make is permitted under GDPR because it is required by law. However, for virtually all other things that we do with personal information, including CCR credit checks and indeed any processing of personal information the legal justification for doing it under GDPR is that it is necessary for the purposes of the credit union's **Legitimate Interests** and nothing that we do infringes your fundamental rights to privacy or any other rights available under law or any freedoms arising from those rights.

However, if you think that any collection or use of your personal information is unnecessary, disproportionate or otherwise

improper please let us know and we shall be happy to address your concerns. However, our position will be that resolution of any such concerns must not prejudice the **Legitimate Interests** of the credit union. Essentially what this means is that we will abide by objections to our use of **Legitimate Interests** if made in respect of marketing but not for credit register checks or more fundamental business processes.

If we cannot satisfy you, it may be that your membership, loan application or any other relationship you have with us must be discontinued. If this is unsatisfactory to you, you may complain to the Data Protection Commissioner who will give an independent, authoritative and binding view of whatever matter divides us.

We will never ask you for information unless we have a specified, explicit and legitimate need to do so. Therefore, if you decline to provide it, we may be unable to complete whatever process you are asking us to complete e.g., a membership or loan application.

Occasionally we may process your personal data based on your **Consent**, rather than our **Legitimate Interests**, in which case your consent will be obtained in writing, and you may withdraw it at any time.

We are most careful to comply with all of our data protection obligations. Specifically

- when we collect, use or disclose any personal data, we do so fairly and lawfully. This means that we make sure you know why we are collecting your information and what we are doing with it;
- we collect and use it only for specified, explicit and legitimate purpose(s);
- we do not use or disclose it in any way which is incompatible with those purposes;
- we protect it against unauthorised access, alteration, disclosure or destruction, or unlawful use;
- we ensure that all personal data we hold is accurate, complete and where necessary, kept up to date;
- we make sure that when we collect personal data, it is adequate, relevant and not excessive in relation to the purpose for which it was collected;
- we do not keep personal data for longer than is necessary. Most information is retained for 6 years, which is a common minimum records retention period required by law. However, if personal data can be lawfully destroyed after a shorter period, we try to do so. We also try to destroy all personal data when we no longer have any need to retain it.

If you ask, we will provide you with a copy of all information we hold about you, within 30 days of your request and at no charge. Furthermore, if you ask us to correct or destroy any information we hold about you, we will do so, subject to the legal provisions surrounding any such request.

We have a detailed Data Protection Policy which addresses our entire approach to this important topic. All of our officers, whether paid staff or volunteers, are provided with data protection training regularly. They also sign a confidentiality pledge annually.

We view our obligations in respect of data protection very seriously and any suspected or actual breach is investigated thoroughly with appropriate action taken where necessary.

If you have a complaint about how we have used your personal information, please mark your letter “For the Attention of the CEO”. Under our Complaints Procedures we shall acknowledge your complaint within 5 working days, we shall provide you with the name of the person handling your complaint and try to have a full response within 40 working days. If you are unhappy with how we have dealt with your complaint, you will be able to refer the matter to the Data Protection Commissioner.

Should you have any further questions on any of the foregoing, please contact our **Data Protection Officer**

- by asking at the counter,
- write to: Data Protection Officer, Arklow Credit Union, Castlepark, Arklow, Co Wicklow, Y14 XH31,
- telephone on 0402 39972 or email at info@arklowcu.ie .

Alternatively, contact the CCR or Data Protection Commissioner using the details below.

Central Credit Register	Data Protection Commissioner
Central Bank of Ireland New Wapping Street North Wall Quay Dublin 1 D01 F7X3	Canal House Station Road Portarlinton Co. Laois R32 AP23
01 224 6000	0761 104800
https://centralbank.ie/consumer-hub/explainers/what-is-central-credit-register	www.dataprotection.ie