



Openpay Privacy Policy

Overview – the key information you should be aware of

(A) **Who we are:** We are Openpay UK Limited. If you need it, our company number is 11422596 and our registered office is 49 Greek Street, London, United Kingdom, W1D 4EG. Openpay UK Limited is the controller of your personal information and is responsible for your personal information. All references in this policy to "Openpay", "our", "us" or "we" refer to Openpay UK Limited, or our group companies, as appropriate. All references in this policy to "our website", refer to the website owned by Openpay at [website address].

(B) **Our values and what this policy is for:** We value your privacy and want to be *accountable* and *fair* to you as well as *transparent* with you in the way that we collect and use your personal information. We also want you to know *your rights* in relation to your information which you can find [here](#).

In line with these values, this privacy policy tells you what to expect when we collect and use personal information about you. We have tried to make it easy for you to navigate so you can find the information that is most relevant to you and our relationship with you.

We are always looking to improve the information we provide to our customers and contacts so if you have any feedback on this privacy policy, please let us know using our contact details in [Section 13](#).

(C) **Who this policy applies to:** This policy applies to:

1. [Visitors to our website](#) (e.g. a website browser);
2. [Applicants for our services](#) (both consumer and Merchant applicants); and
3. [Our customers](#) (both consumer and Merchant applicants).

Depending on our relationship, we will collect and use your information in different ways. Please click on the links above to find out the information that we collect about you and how we use this information.

(D) **What this policy contains:** This privacy policy describes the following important topics relating to your information (you can click on the links to find out more):

1. [How we obtain your personal information](#);
2. [Collection of your personal information and how we use it](#);
3. [Our legal basis for using your personal information](#);
4. [How and why we share your personal information with others](#);
5. [How long we store your personal information](#);
6. [Your rights](#);

7. [Children](#);
8. [Marketing](#);
9. [Where we may transfer your personal information](#);
10. [Risks and how we keep your personal information secure](#);
11. [Links to other websites](#);
12. [Changes to this privacy policy](#); and
13. [Further questions and how to make a complaint](#).

(E) **Your rights to object:** You have various rights in respect of our use of your personal information as set out in [here](#). Two of the fundamental rights to be aware of are that:

1. you may ask us to stop using your personal information for direct-marketing purposes. If you exercise this right, we will stop using your personal information for this purpose.
2. you may ask us to consider any valid objections which you have to our use of your personal information where we process your personal information on the basis of our, or another person's, legitimate interest.

Please note that we will not use your personal information for direct-marketing purposes without your consent. You can find out more information on your rights in [section 6](#).

(F) **What you need to do and your confirmation to us:** Please read this privacy policy carefully to understand how we handle your personal information. By engaging with us in the ways set out in this privacy policy, you confirm that you have read and understood the entirety of this privacy policy, as it applies to you.

The detail – the key information you should be aware of

1. How we obtain your personal information

- 1.1 You may provide us with your personal information voluntarily within our application form. We may also receive information about you from third parties such as marketing agencies, credit reference agencies, market research companies, our suppliers, group companies, public websites and public agencies, which we refer to as "third party sources" or "suppliers" throughout this policy.
- 1.2 You may give us personal information about yourself by using the online forms provided on our website, setting up an account with us, or by contacting us by phone, email or other means. This includes, for example, where you provide your personal information to us in order to receive information or services from us.

2. Collection of your personal information and how we use it

Please go to the section or sections below that best describes our relationship with you to find out the information that we collect about you and how we use this information. We refer to this as "personal information" throughout this policy.

2.1 Visitors to our website (e.g. a website browser)

- (a) What personal information we collect about you

We, or third parties on our behalf, may collect and use any of the following information about you when you visit our website:

- (i) information provided when you correspond with us;
- (ii) any updates to information provided to us;
- (iii) if you are a Merchant, we may also collect your name including your title, your postal address, your email address and your telephone number;
- (iv) personal information we collect about you or that we obtain from our third party sources;
- (v) the following information created and recorded automatically when you visit our website:
 - (A) **Technical information.** This includes: your device ID, the Internet Protocol (IP) address used to connect your computer to the internet address; the website address and country from which you access information; the files requested; browser type and version; browser plug-in types and versions; operating system; and platform. We use this personal information to administer our website, to measure the efficiency of our systems and to undertake an analysis on the locations from which people access our webpages; and
 - (B) **Information about your visit and your behaviour on our website** (for example, the pages that you click on). This may include the website you visit before and after visiting our website (including date and time), time and length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), methods used to browse away from the page, traffic data, location data, weblogs and other communication data and information provided when requesting further service or downloads.

(b) How we use your personal information

We will collect, use and store the personal information listed above for the following reasons:

- (i) to allow you to access our website;
- (ii) to receive enquiries from you through the website about our business and services;
- (iii) for improvement and maintenance of our website and to provide technical support for our website;
- (iv) to ensure the security of our website;
- (v) to recognise you when you return to our website, to store information about your preferences, and to allow us to customise the website according to your individual interests; and
- (vi) to evaluate your visit to the website and prepare reports or compile statistics to understand the type of people who use our website, how they use our website and to make our website more intuitive. Such details will be anonymised as far

as reasonably possible and you will not be identifiable from the information collected.

Please see sections 2.4 and 2.5 for more details about how we use your personal information.

(c) A word about cookies

- (i) Some pages on our website use cookies, which are small files placed on your internet browser when you visit our website. We use cookies in order to offer you a more tailored experience in the future, by understanding and remembering your particular browsing preferences.
- (ii) Where we use cookies on our website, you may block these at any time. To do so, you can activate the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies), you may not be able to access all or parts of our website or to use all the functionality provided through our website.
- (iii) For detailed information on the cookies we use and the purposes for which we use them, please refer to our cookies policy [here](#).

2.2 **Applicants for our services (both consumers and Merchants)**

(a) What personal information we collect about you

We, or third parties on our behalf, may collect and use any of the following information about you when you apply to receive our services (either as a consumer or a Merchant):

- (i) your name;
- (ii) your postal address;
- (iii) your email address;
- (iv) your telephone number;
- (v) your date of birth;
- (vi) your gender;
- (vii) your credit card details;
- (viii) information provided when you correspond with us;
- (ix) any updates to information provided to us; and
- (x) your passport information

(b) How we use your personal information

We will collect, use and store the personal information listed above for the following reasons:

- (i) to assess your credit risk in order to assess whether it is appropriate for you to become one of our customers' and to determine your individual credit limit. This

will involve automated profiling and decision-making and our algorithms will assess things such as your credit score (which will include information that you have provided to us, information that we may already hold and information provided by third parties such as credit reference agencies). Our automated systems will assess this information to predict behaviour and make decisions on your individual credit limit. If you have any account with us, then we may continue to use automated decision making when deciding whether the change you individual credit limit. If you disagree with the result or would like further information about this process then please feel free to contact us using the details set out in [Section 13](#).

- (ii) to ensure that you are age appropriate to receive our financial services;
- (iii) to deal with any enquiries or issues you have about our services that you request from us, our app or our online consumer portal which helps you manage our services, and about our services;
- (iv) to send you certain communications (including by email or post) about our services such as administrative messages (for example, setting out changes to our terms and conditions and keeping you informed about our fees and charges); and
- (v) if you have consented to us doing so, to contact you (including by telephone, SMS or post) with information about our services or the products and services of our suppliers which either you request, or which we feel will be of interest to you.

2.3 **Our customers (both consumers and Merchants, and including users of our App)**

- (a) What personal information we collect about you

We, or third parties on our behalf, may collect and use any of the following information about you:

- (i) your name;
- (ii) your postal address;
- (iii) your email address;
- (iv) your telephone number;
- (v) your date of birth;
- (vi) your gender;
- (vii) your credit card details;
- (viii) your plan and repayment transaction records;
- (i) information provided when you correspond with us;
- (ii) any updates to information provided to us;
- (iii) if you are an App user your location data if you opt-in to our service to make you aware of any Openpay locations near you;

- (iv) information about the services we provide to you:
 - (A) information needed to provide the services to you;
 - (B) customer services information; and
 - (C) customer relationship management and marketing information;
- (v) information you provide to help us provide you with improved service for example if we ask you to fill in a survey or questionnaire;
- (vi) your credit file from third parties based on data given to us by you; and
- (vii) your passport information

(b) How we use your personal information

We will collect, use and store the personal information listed above for the following reasons:

- (i) to assess your credit risk in order to assess whether it is appropriate to agree to advance you the funds which you requested;
- (ii) to provide you with our services including taking the repayments on your purchases in accordance with the plan intervals that you have nominated;
- (iii) to deal with any enquiries or issues you have about our services that you request from us, our app and customer portal which helps you manage our services, and about our services;
- (iv) where we collect your location data, we use this to make you aware of any nearby Openpay locations;
- (v) to send you certain communications (including by email or post) about our services such as administrative messages (for example, setting out changes to our terms and conditions and keeping you informed about our fees and charges);
- (vi) to carry out statistical analysis and market research on people who may be interested in our services
- (vii) to carry out automated profiling of consumer activity to help yield risk profiles. We only use anonymised information for this profiling activity so it cannot be traced to the relevant individual; and
- (viii) if you have consented to us doing so, to contact you (including by telephone, SMS or post) with information about our services or the products or services of our suppliers which either you request, or which we feel will be of interest to you.

Please see sections 2.4 and 2.5 for more details about how we use your personal information.

- (c) Source of personal information. We may receive some of your personal information from third parties, such as from credit reference agencies.

(i) **CREDIT REFERENCE AGENCY INFORMATION NOTICE**

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 CRAIN is also accessible from each of the three CRAs.

Call Credit:

- www.callcredit.co.uk/crain

Equifax

- www.equifax.co.uk/crain

Experian:

- www.experian.co.uk/crain

- (d) Special categories of data. We do not collect special categories of data.
- (e) Information we need to provide services to you. We need certain types of personal information so that we can provide services to you and perform contractual and other legal obligations that we have to you. If you do not provide us with such personal information, or if you ask us to delete it, you may no longer be able to access our services.

2.4 Whatever our relationship with you is, we may also collect, use and store your personal information for the following additional reasons:

- (a) to deal with any enquiries or issues you have about how we collect, store and use your personal information, or any requests made by you for a copy of the information we hold about you. If we do not have a contract with you, we may process your personal information for these purposes where it is in our legitimate interests for customer services purposes;
- (b) for internal corporate reporting, business administration, ensuring adequate insurance coverage for our business, ensuring the security of company facilities, research and development, and to identify and implement business efficiencies. We may process your personal information for these purposes where it is in our legitimate interests to do so;
- (c) to comply with any procedures, laws and regulations which apply to us – this may include where we reasonably consider it is in our legitimate interests or the legitimate interests of others to comply, as well as where we are legally required to do so; and
- (d) to establish, exercise or defend our legal rights – this may include where we reasonably consider it is in our legitimate interests or the legitimate interests of others, as well as where we are legally required to do so.

2.5 Further processing

Before using your personal information for any purposes which fall outside those set out in this section 2, we will undertake an analysis to establish if our new use of your personal information is compatible with the purposes set out in this section 2. Please contact us using the details in [Section 13](#) if you want further information on the analysis we will undertake.

3. **Legal basis for use of your personal information**

3.1 We consider that the legal bases for using your personal information as set out in this privacy policy are as follows:

- (a) our use of your personal information is necessary to perform our obligations under any contract with you (for example, to perform our services in accordance with our terms and conditions and to comply with the terms of use of our website which you accept by browsing our website); or
- (b) our use of your personal information is necessary for complying with our legal obligations (for example, for Anti-Money Laundering checks); or
- (c) where neither (a) nor (b) apply, use of your personal information is necessary for our legitimate interests or the legitimate interests of others (for example, to ensure the security of our website). Our legitimate interests are to:

- (i) run, grow and develop our business in accordance with our internal risk appetite;
- (ii) operate our website and app;
- (iii) carry out marketing, market research and business development; and
- (iv) for internal group administrative purposes.

If we rely on our (or another person's) legitimate interests for using your personal information, we will undertake a *balancing test* to ensure that our (or the other person's) legitimate interests are not outweighed by your interests or fundamental rights and freedoms which require protection of the personal information. You can ask us for information on this balancing test by using the contact details at Section 13 .

3.2 We may process your personal information in some cases for marketing purposes on the basis of your consent (which you may withdraw at any time after giving it, as described below).

3.3 If we rely on your consent for us to use your personal information in a particular way, but you later change your mind, you may withdraw your consent within the consumer portal or by contacting us at [insert relevant details] and we will stop doing so. However, if you withdraw your consent, this may impact the ability for us to be able to provide you with our services.

4. **How and why we share your personal information with others**

4.1 We may share your personal information with our group companies where it is in our legitimate interests to do so for internal administrative purposes (for example, for corporate strategy, compliance, auditing and monitoring, fraud mitigation, system maintenance and administration, research and development and quality assurance).

4.2 We will share your personal information with the following third parties or categories of third parties:

- (a) Credit reference Agencies who provide us with your credit file and credit information about you;
- (b) Identity matching services;
- (c) Providers of fraud prevention services, including fraud databases such as Cifas (<https://www.cifas.org.uk/fpn>)
- (d) ACI Red and other, similar companies who provide us with credit card fraud detection services;
- (e) SMS gateways who use your mobile number to send text messages for mobile verification loops;
- (f) our other service providers and sub-contractors, including payment processors, utility providers, suppliers of technical and support services, insurers, logistic providers, and cloud service providers;
- (g) companies that assist in our marketing, advertising and promotional activities, such as the marketing automation platform Dotmailer;
- (h) analytics and search engine providers that assist us in the improvement and optimisation of our website such as Google analytics; and

- (i) debt collection agencies who provide us with debt collection and recovery services.
- 4.3 We will always ensure that any third parties with whom we share your personal information are subject to privacy and security obligations consistent with this privacy policy and applicable laws.
- 4.4 We will also disclose your personal information to third parties:
 - (a) where it is in our legitimate interests to do so including in particular to run, grow and develop our business:
 - (i) if we sell or buy any business or assets, we may disclose your personal information to the prospective seller or buyer of such business or assets;
 - (ii) if substantially all of our or any of our affiliates' assets are acquired by a third party, in which case personal information held by us will be one of the transferred assets;
 - (b) if we are under a duty to disclose or share your personal information in order to comply with any legal obligation, any lawful request from government or law enforcement officials and as may be required to meet national security or law enforcement requirements or prevent illegal activity;
 - (c) in order to enforce or apply our terms of use, our terms and conditions for customers or any other agreement or to respond to any claims, to protect our rights or the rights of a third party, to protect the safety of any person or to prevent any illegal activity; or
 - (d) to protect the rights, property, or safety of Openpay, our staff, our customers or other persons. This may include exchanging personal information with other organisations for the purposes of fraud protection and credit risk reduction.
- 4.5 We may also disclose and use anonymised, aggregated reporting and statistics about users of our website or our goods and services for the purpose of internal reporting or reporting to our group or other third parties, and for our marketing and promotion purposes. None of these anonymised, aggregated reports or statistics will enable our users to be personally identified.
- 4.6 Save as expressly detailed above, we will never share, sell or rent any of your personal information to any third party without notifying you and, where necessary, obtaining your consent. If you have given your consent for us to use your personal information in a particular way, but later change your mind, you should withdraw consent within the consumer portal or by contacting us and we will stop doing so.

5. **How long we store your personal information**

We keep your personal information for no longer than necessary for the purposes for which the personal information is processed which usually means that we will retain it for 6 years after your final transaction. The length of time for which we retain personal information depends on the purposes for which we collect and use it and/or as required to comply with applicable laws and to establish, exercise or defend our legal rights.

6. **Your rights**

- 6.1 Where you are an EU resident, you have certain rights in relation to your personal information. If you would like further information in relation to these or would like to exercise any of them, please contact us through our consumer portal or via email at [\[insert email address\]](#) at any time. You have the following rights:

- (a) **Right of access.** You have a right of access to any personal information we hold about you. You can ask us for a copy of your personal information; confirmation as to whether your personal information is being used by us; details about how and why it is being used; and details of the safeguards which are in place if we transfer your information outside of the European Economic Area ("EEA").
- (b) **Right to update your information.** You have a right to request an update to any of your personal information which is out of date or incorrect.
- (c) **Right to delete your information.** You have a right to ask us to delete any personal information which we are holding about you in certain specific circumstances. You can ask us for further information on these specific circumstances by contacting us using the details in Section 13 or through our consumer portal.

We will pass your request onto other recipients of your personal information unless that is impossible or involves disproportionate effort. You can ask us who the recipients are, using the contact details in Section 13 or through our consumer portal.

- (d) **Right to restrict use of your information:** You have a right to ask us to restrict the way that we process your personal information in certain specific circumstances. You can ask us for further information on these specific circumstances by contacting us using the details in Section 13 or through our consumer portal.

We will pass your request onto other recipients of your personal information unless that is impossible or involves disproportionate effort. You can ask us who the recipients are using the contact details in Section 13 or through our consumer portal.

- (e) **Right to stop marketing:** You have a right to ask us to stop using your personal information for direct marketing purposes. If you exercise this right, we will stop using your personal information for this purpose.
- (f) **Right to data portability:** You have a right to ask us to provide your personal information to a third party provider of services.

This right only applies where we use your personal information on the basis of your consent or performance of a contract; and where our use of your information is carried out by automated means.

- (g) **Right to object.** You have a right to ask us to consider any valid objections which you have to our use of your personal information where we process your personal information on the basis of our or another person's legitimate interest or to our use of automated decision making (including profiling) which has a legal or similarly significant affect.

6.2 We will consider all such requests and provide our response within a reasonable period (and in any event within one month of your request unless we tell you we are entitled to a longer period under applicable law). Please note, however, that certain personal information may be exempt from such requests in certain circumstances, for example if we need to keep using the information to comply with our own legal obligations or to establish, exercise or defend legal claims.

6.3 If an exception applies, we will tell you this when responding to your request. We may request you provide us with information necessary to confirm your identity before responding to any request you make.

7. **Children**

- 7.1 You must be aged 18 or over to purchase services from us. Our website and services are not directed at children and we do not knowingly collect any personal information from children.
- 7.2 If you are a child and we learn that we have inadvertently obtained personal information from you from our websites, or from any other source, then we will delete that information as soon as possible.
- 7.3 Please contact us at [insert email address] if you are aware that we may have inadvertently collected personal information from a child.

8. **Marketing**

- 8.1 We may collect and use your personal information for undertaking marketing by email, SMS, telephone and post.
- 8.2 We may send you certain marketing communications (including electronic marketing communications) if we have obtained your consent to do so.
- 8.3 If you wish to stop receiving marketing communications, you can contact us by email at [insert email address], unsubscribe using the link at the bottom of any marketing emails or via the consumer portal.

9. **Where we may transfer your personal information**

- 9.1 Your personal information may be used, stored and/or accessed by staff operating outside the EEA working for us, other members of our group or suppliers. An example of non-EEA countries which we may transfer your personal information to include, but are not limited to, Australia, Israel, Ireland and the Philippines. Further details on to whom your personal information may be disclosed are set out in section 4.
 - 9.2 If we provide any personal information about you to any such non-EEA members of our group or suppliers, we will take appropriate measures to ensure that the recipient protects your personal information adequately in accordance with this privacy policy. These measures may include the following permitted in Articles 45 and 46 of the General Data Protection Regulation:
 - (a) in the case of US based entities, entering into European Commission approved standard contractual arrangements with them, or ensuring they have signed up to the EU-US Privacy Shield (see further <https://www.privacyshield.gov/welcome>); or
 - (b) in the case of entities based in other countries outside the EEA, entering into European Commission approved standard contractual arrangements with them.
 - 9.3 Further details on the steps we take to protect your personal information, in these cases is available from us on request by contacting us by email at [insert relevant contact details] or through our consumer portal at any time.
- ## 10. **Risks and how we keep your personal information secure**
- 10.1 The main risk of our processing of your personal information is if it is lost, stolen or misused. This could lead to your personal information being in the hands of someone else who may use it fraudulently or make public, information that you would prefer to keep private.
 - 10.2 For this reason, Openpay is committed to protecting your personal information from loss, theft and misuse. We take all reasonable precautions to safeguard the confidentiality of your

personal information, including through use of appropriate organisational and technical measures such as maintaining a PCI DSS Level 1 compliant environment.

- 10.3 In the course of provision of your personal information to us, your personal information may be transferred over the internet. Although we make every effort to protect the personal information which you provide to us, the transmission of information over the internet is not completely secure. As such, you acknowledge and accept that we cannot guarantee the security of your personal information transmitted to our website and that any such transmission is at your own risk. Once we have received your personal information, we will use strict procedures and security features to prevent unauthorised access to it.
- 10.4 Where we have given you (or where you have chosen) a password which enables you to access your online account, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

11. Links to other websites

Our website may contain hyperlinks to websites that are not operated by us. These hyperlinks are provided for your reference and convenience only and do not imply any endorsement of the activities of such third-party websites or any association with their operators. This privacy policy only applies to the personal information that we collect or which we receive from third party sources, and we cannot be responsible for personal information about you that is collected and stored by third parties. Third party websites have their own terms and conditions and privacy policies, and you should read these carefully before you submit any personal information to these websites. We do not endorse or otherwise accept any responsibility or liability for the content of such third party websites or third party terms and conditions or policies.

12. Changes to our privacy policy

We may update our privacy policy from time to time. Any changes we make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by post or email. Please check back frequently to see any updates or changes to our privacy policy.

13. Further questions and how to make a complaint

- 13.1 If you have any queries or complaints about our collection, use or storage of your personal information, or if you wish to exercise any of your rights in relation to your personal information, please contact [insert email address] or through our consumer portal. We will investigate and attempt to resolve any such complaint or dispute regarding the use or disclosure of your personal information.
- 13.2 Where you are an EU resident, in accordance with Article 77 of the General Data Protection Regulation, you may also make a complaint to the Information Commissioner's Office, or the data protection regulator in the country where you usually live or work, or where an alleged infringement of the General Data Protection Regulation has taken place. Alternatively, you may seek a remedy through the courts if you believe your rights have been breached.

The practices described in this privacy policy statement are current as of [insert date].