



# SCANIA FINANCE IRELAND LIMITED

## DATA PRIVACY AND FAIR PROCESSING NOTICE

### 1. WHO WE ARE

'Scania Financial Services' is a trading name of Scania Finance Ireland Limited, a company registered in the Republic of Ireland (company registration number I0482137).

Whenever you interact or provide information to us, we will be acting as a 'controller' of your information. A 'controller' is a company that decides how and why your personal information is processed.

In this notice, we may use terms such as 'we', 'us' or 'our'. In each case, we are, unless we state otherwise, referring to Scania Finance Ireland Limited.

### 2. ABOUT THIS NOTICE

At Scania Finance Ireland Limited, we take the data privacy of our customers very seriously and are fully committed to protecting your personal data.

This notice sets out the ways in which we handle your personal information, including how and why it is collected, the ways in which it is used, to whom it is disclosed, and how we ensure the security of your data.

Towards the end of this notice, you will find our contact details. You can use these to contact us if you have any questions about the way your data is processed, including how to access or update your data, and how to make a complaint.

This version of our Data Privacy and Fair Processing Notice is dated 22<sup>nd</sup> May 2018. We may update it from time to time and you will be notified of any changes by email. If you do not agree to any aspect of the updated notice, you must notify us as soon as possible and cease use of our services.

### 3. THE LEGISLATION

As a company registered and established within the Republic of Ireland, the use of your personal data by Scania Finance Ireland Limited is governed by Irish law and subject to regulation by the Data Protection Commissioner ('DPC').

Currently, the Data Protection Acts 1988 and 2003 (the "Acts") regulate the way in which personal data is processed. The Acts apply up to 25<sup>th</sup> May 2018, at which point the European Union's General Data Protection Regulation ("GDPR") will apply, replacing the Act.

The GDPR applies only to 'personal data'. This covers any information relating to an identifiable person who can be directly or indirectly identified from the information. As a result it will apply to information which we hold where you are a sole trader, a partner in a partnership, a personal guarantor or a director of a company. It does not apply to data held about limited companies (including plc's) or any other body which is incorporated.

For ease of reference in this notice, the Acts and GDPR, along with other data privacy legislation, will be referred to collectively as the "Data Protection Legislation" or simply "the legislation".

### 4. HOW THE LAW PROTECTS YOU

The Data Protection Legislation allows us to use personal information only where we have a legitimate legal reason to do so.

We recognise our responsibility to keep your data safe and secure at all times and promise that we will never sell your data.



We will only process your personal data in accordance with all applicable data protection legislation and will adhere to its principles as they apply to us.

For the purposes of your relationship with Scania Finance Ireland Limited, the law states that we must have one or more of the following reasons for processing your personal information:

- For the performance of a contract we have with you
- Where it is necessary for us to comply with our legal obligations
- Where it is in our legitimate interest
- Where you have provided consent to it.

“Legitimate interest” is where we have a business or commercial reason to process your personal information. This must not unfairly affect what is right and best for you.

For further information about how we process your personal data and our lawful reasons for processing it, please see Section 7: How We Use Your Personal Data.

## **5. HOW WE COLLECT PERSONAL DATA**

We may collect personal information about you, and information about your business, from other companies within the Scania Group or from the following sources.

Data you provide to us:

- When you apply for a finance or insurance product from Scania Finance Ireland Limited
- When you notify us of a change of your personal details
- When you agree to act as a personal guarantor for a finance product
- When you make a claim on a Scania insurance product
- In emails and letters you send to us
- In face-to-face or telephone discussions with our sales or administrative staff.

Data from third parties we work with:

- Independent Scania dealers
- Other companies and brokers that introduce you to us
- Credit Reference Agencies (“CRAs”)
- Public information sources such as the electors register and the Companies Registration Office
- Agents and introducers working on our behalf
- Government and law enforcement agencies.

## **6. WHO WE SHARE YOUR PERSONAL DATA WITH**

We may share your personal information with other companies within the Scania Group and with the following organisations:

- Independent Scania dealers
- Broker partners that we introduce you to
- Organisations that introduce you to us
- If you apply for insurance through us, our insurance partner, the insurer and any reinsurers
- Credit Reference Agencies (“CRAs”)
- Fraud prevention agencies
- Organisations that process payments on our behalf, such as under the SEPA direct debit scheme
- The Office of the Revenue Commissioners (the “Revenue”), regulators and other authorities with whom we are under a legal obligation to share your data
- Vehicle repossession agents
- Our legal advisors and representatives
- Companies you ask us to share your data with.



Where we share your data with third parties, we will take appropriate steps with the aim of ensuring that your rights continue to be protected. We will only provide to them the personal information that is necessary for them to provide their service(s) and we have contracts in place with such parties that require them to safeguard your data and comply with our data privacy principles as given within this Notice.

We may transfer your personal information to a third party as part of a sale of some or all of our business and assets to a third party, or as part of a business restructuring or reorganisation. We may also transfer your personal information to legal or regulatory authorities where we are under a legal duty to do so.

In all cases, we will take appropriate steps with the aim of ensuring that your data privacy rights are upheld and your personal data protected.

## **7. HOW WE USE YOUR PERSONAL DATA**

The purpose of our processing of personal data is primarily the management and administration of customer contracts, to fulfil our contractual responsibilities under such contracts, and to meet our legal and regulatory obligations. As a business-to-business finance and insurance provider, the personal information we process will concern:

- The proprietors of sole trader businesses
- Partners forming a partnership business
- The directors of limited companies and public limited companies ("plc's")
- Personal guarantors of contracts with limited companies and plc's.

We will use this personal data:

- a) For the performance of a contract we have with you

We may use your personal data to fulfil, apply or enforce the terms of a contract we have with you, or in order to take steps to prepare the terms and documentation before entering into such a contract, including for the following purposes:

- to provide you with a finance or insurance quote, either directly or via a truck salesperson located within a dealership
- to prepare a credit application proposal on your behalf
- to prepare your contract and set up your finance agreement or insurance policy on our systems
- to register your business as a customer on our loan and leasing system and/or our insurance policy management system
- to maintain and administer your finance agreement or insurance policy
- to keep you informed about your finance agreement or insurance policy, such as to remind you about its upcoming expiry
- to exercise our rights under contracts you have with us, such as to chase arrears and bad debts where payments, rentals or finance repayments are not made in full and on time

- b) Where it is our legal obligation

We will process your personal data where it is necessary for us to comply with our legal duty, such as:

- to maintain accounting and other records as required by tax and accounting legislation
- to ensure we hold accurate and up-to-date information about you and your business
- to confirm your identity when you contact us
- to assist legal and regulatory authorities such as the police, Revenue, Road Transport Operator Licensing ('RTOL') or other investigative or criminal investigation body
- to comply with our duties under anti-money laundering and terrorist financing legislation
- to comply with other obligations as required by law or regulation.



c) Where it is in our legitimate interest

We may process your personal data where it is necessary for us to pursue our legitimate business interests, such as for the following purposes:

- to consider your business's eligibility for finance (please also see Section 9: Credit Reference Agencies)
- to maintain and keep up-to-date our customer database
- to chase arrears and bad debts and, in the event that your business is no longer able to keep up lease payments or finance repayments, to recover our assets
- to protect our legal rights and to bring or defend legal proceedings
- to maintain a register of personal guarantors in the event of default
- to conduct customer satisfaction surveys and other market research to ensure that our service is of the standard you would expect
- to correspond and communicate with you as a customer
- for administrative purposes such as handling queries or complaints
- to comply with your requests, such as to maintain our "unsubscribe" and "do not contact" databases
- for customer analysis to inform our marketing strategy
- to keep you informed about Scania news and to contact you about finance, insurance and other Scania products that we believe may be of interest to your business based on products you already receive from the Scania Group (other than where we rely on your consent)
- for the prevention of fraud or criminal activity
- for information security purposes: for us to take steps to ensure the adequate protection of your personal information
- to prepare reports and customer analysis for internal Scania Finance Ireland Limited and Scania Group use
- to make improvements to the operation or efficiency of our databases and systems, such as combining and consolidating customer or other records

d) Where you have provided consent

We may process your personal data where you have consented for us to do so for the following purposes:

- to make initial contact with you where you have made an enquiry or requested a call back
- to provide you with an indicative finance or insurance quote where you have specifically requested for us to do so
- to supply brochures, information leaflets and other material that you have specifically requested from us
- to share your details with third parties where you have specifically requested for us to do so
- to keep you informed about Scania news and to contact you about finance, insurance and other Scania products that we believe could be of interest to your business based on products you already receive from the Scania Group (please also see Section 13. Marketing).

Where we rely on your consent to process your personal data, you are entitled at any time to withdraw your consent to us processing your personal data in these ways. Please see Section 18: How to Withdraw Your Consent for further details.

Scania Finance Ireland Limited may also record or hold personal data about you even where we have refused to enter into an agreement or contractual relationship with you. This is in order to inform you of our decision and document the rejection in the event that we are, at some later time, required to justify this decision.

## 8. AUTOMATED DECISIONS

We may use credit scoring or some other automated decision-making tool as part of the assessment of your business's eligibility for a finance product and ability to pay.



Where such systems are used, these will always be as part of a wider and more comprehensive credit assessment process and the ultimate decision will always be made by a human being.

## 9. CREDIT REFERENCE AGENCIES

When you apply for a product or services from us, we will search your records with credit reference agency Vision-Net, which may include both identity and credit checks. When we perform such a search, Vision-Net may note this search on your credit file.

We will use this data to:

- Assess the creditworthiness of your application and your business's ability to afford rentals and/or repayments
- Verify the accuracy of the data you have provided to us
- Help detect and prevent financial crime
- Where you have applied to act as a personal guarantor for a limited company or plc, to assess your financial suitability to act as a guarantor.

When we search Vision-Net for information about you and/or your business, we will share certain personal information with them about you in order to access the correct credit records. This data will include your name, address and date of birth.

For further information about how Vision-Net process your personal data and your rights as a data subject, please visit the Data Privacy pages of the Vision-Net website: [www.vision-net.ie/privacy.jsp](http://www.vision-net.ie/privacy.jsp)

## 10. FRAUD PREVENTION & ANTI-MONEY LAUNDERING

Scania Finance Ireland Limited will process personal data in order to fulfil its investigation and reporting obligations regarding suspicious transactions under, amongst other legislation, the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, as amended by Part 2 of the Criminal Justice Act 2013. Scania Finance Ireland Limited is required to report transactions to the Financial Intelligence Unit ('FIU') of An Garda Síochána and the Office of the Revenue Commissioners where there is a suspicion that such transactions represent money laundering, terrorist financing or other proceeds of crime.

## 11. TRANSFER OF YOUR DATA OUTSIDE THE EEA

We will only ever transfer your data outside of the European Economic Area ('EEA') to:

- Follow your instructions
- Comply with a legal duty
- Provide you with services you are using or accessing whilst you are situated outside of the EEA
- Provide information to our agents, advisors and/or fellow Scania Group companies who we use to help us administer your account with us.

Where we do transfer information outside of the EEA, we will take appropriate steps with the aim of ensuring that it is protected in the same way as if it was processed within the EEA. To that end, we will ensure one or more of the following safeguards:

- Transfer it to a country outside the EEA but which has privacy laws that give the same or a comparable level of protection as those within the EEA
- Put in place a contract with the recipient of the data which requires them to protect it to the same standards as those within the EEA
- Transfer it to organisations that are part of the Privacy Shield. The Privacy Shield is a framework which sets privacy standards for data transfers between the United States and the countries of the European Union ('EU'), and ensures shared standards which are similar to those applicable within the EEA.

More information about the adequate protection of data transfers outside the EU/EEA can be found on the European Commission website at [https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en)



If you have any questions about transfers of personal data, please contact us using the details provided in Section 21, below.

## **12. IF YOU CHOOSE NOT TO PROVIDE YOUR PERSONAL DATA**

We may need to collect personal information in order to comply with the law, or under the terms of a contract we have with you.

If you choose not to give us this personal information, it may delay or prevent us from meeting our obligations or from arranging and administering your contract(s) with Scania Finance Ireland Limited. This could mean that we refuse or cancel a product or service you have with us.

Any data collection that is optional will be made clear to you at the point of collection or application.

## **13. MARKETING**

We may use the details we hold about you and your business, including personal information such as your name, address and contact details, to provide company updates and newsletters from Scania Financial Services and the Scania Group, to conduct customer satisfaction surveys or to contact you about products and services related to those you currently receive from Scania companies, or have used in the past. These communications may include information about:

- Finance, insurance and other similar services offered by Scania Financial Services
- Special offers, campaigns and incentives
- Bundled vehicle and service packages supplied by the Scania Group.

Where we rely on your consent to provide marketing communications to you, we may, from time to time, ask you to refresh your marketing preferences and confirm that you consent to receive future marketing communications from us.

You may withdraw your consent at any time. Details can be found in Section 18: How to Withdraw Your Consent. You may also use the 'Unsubscribe' button at the bottom of our messages to opt out of future direct marketing from us.

## **14. HOW LONG WILL WE KEEP YOUR PERSONAL DATA?**

We will retain your personal data for as long as you remain a customer of Scania Finance Ireland Limited.

At the point our business relationship with you ends, we may keep your data for a period of up to 7 years for one or more of the following purposes:

- To respond to any queries or complaints
- To demonstrate that we treated you fairly
- To pursue or defend legal claims
- To maintain records according to rules that apply to us.

We may keep your data for longer than 7 years where this is required for legal or regulatory reasons.

We may also keep your data for the purposes of statistical analysis. Where we do so, we will ensure that your privacy is fully protected and that your data is used strictly for these purposes only. We will not keep your personal information in an identifiable format for longer than is necessary.

## **15. OBTAINING A COPY OF YOUR PERSONAL DATA**

You have the right to access the personal information we hold about you. Please contact us by email or postal mail using the contact details contained within Section 21: Contacting Us, marking your request "DSAR".





We may be unable to provide a copy of certain information if it concerns other individuals or if we have some other legal reason to withhold the information.

We may ask you to provide certain information in order to confirm your identity and to help us to search for the information requested. Unless there are exceptional reasons otherwise, we will respond to your request within 30 days of receipt of such supporting information or, where no such information is required, within 30 days of receiving your request.

## **16. CORRECTING ERRORS IN YOUR PERSONAL DATA**

The accuracy of your information is important to us. You have the right to query any information we hold about you that you believe to be erroneous or incomplete. We will take all reasonable steps to check the accuracy of the data and correct this where necessary.

If you wish to do this, please contact us using the contact details in Section 21: Contacting Us.

## **17. HOW TO OBJECT TO PROCESSING AND/OR REQUEST DELETION**

The legislation grants you the 'right to object' and the 'right to erasure', otherwise known as the 'right to be forgotten'. This means that you have the right to object to our use of your personal information, or ask us to delete, remove or stop processing your personal information where there is no need for us to keep it.

There may be legal, regulatory or other reasons why we need to retain or continue to process your data. Where this is the case, we may be able to restrict the use of your personal data. This means that it can only be used for certain purposes, such as to defend legal claims or to exercise our legal rights. Your information would not be used or shared in any other way whilst it is restricted.

You can ask us to restrict the use of your personal information if:

- It is not accurate
- It has been used unlawfully but you do not want us to delete it
- It is no longer relevant, but you want us to keep it for use in legal proceedings
- You have already asked us to stop using your data but you are waiting for us to tell you if we are allowed to continue to use it.

If you believe that we should not be processing your personal data, wish to object to our processing of your data, or wish to ask us to delete or restrict our use of it, please contact us. If we agree that your objection is justified under the legislation, we will cease to process your data for those purposes. Otherwise, we will provide you with our reasons why we need to continue processing your data.

## **18. HOW TO WITHDRAW YOUR CONSENT**

Where we rely on your consent to process your personal data, you may withdraw your consent at any time. We may nevertheless continue to process your personal data if we have other legitimate or lawful reasons to do so.

Please be aware that, if you withdraw your consent, we may not be able to provide our products and services to you. If this is the case, we will tell you.

If you wish to withdraw your consent, please contact us using the details provided in Section 21: Contacting Us. Withdrawal of your consent does not affect the lawfulness of our use of your personal data before you withdrew your consent.

If you wish to withdraw your consent to any direct marketing to which you have previously opted in, you may also use the 'Update My Marketing Preferences' or 'Unsubscribe' options in our emails.

## **19. HOW TO MAKE A COMPLAINT**



If you are unhappy about the way we have used your personal information and wish to make a complaint, please contact us using the details provided in Section 21: Contacting Us.

You also have the right to complain to the Data Protection Commissioner. The DPC website contains details about how to report a concern. Please visit: [www.dataprotection.ie/raise-a-concern](http://www.dataprotection.ie/raise-a-concern)

## **20. DATA SECURITY**

We have technological and organisational security measures in place to protect the personal data we hold from loss, destruction and unauthorised access. Our security measures are subject to continuous improvement in line with technological advances.

## **21. CONTACTING US**

For any questions you may have regarding data protection at Scania Finance Ireland Limited, to request a copy of your information, to correct an error in your personal information, to withdraw your consent or to make a complaint, please contact us using the address below:

By email [dataprotection.finance@scania.com](mailto:dataprotection.finance@scania.com)

By postal mail Data Protection, Scania Finance Ireland Limited, 6<sup>th</sup> Floor, South Bank House,  
Barrow Street, Dublin 4