

# Privacy Policy

Being transparent and providing accessible information to you about how we will use Your personal data (“Your Information”) is of the key principles of GDPR. Please find below the privacy notice that is applicable to your agreement with Elavon. Please note that, depending on the services we provide to you, additional privacy notices may also apply and these additional privacy notices are intended to supplement this privacy notice.

All Words and phrases not specifically defined below shall have the same meaning as set out in merchant acquiring agreement.

By “Your Information” we mean the personal and financial information We obtain from You or from third parties (such as credit reference and fraud prevention agencies, joint account holders, Your employees or officers of Your business, other organisations who introduced Us, or act on your or Our behalf) which, where You are a sole trader or partnership, may relate to You and/or Your business partners and guarantors and where You are a company or limited liability partnership, may relate to Your officers, shareholders, partners, owners and guarantors.

## How do we use Your Information?

We use Your Information for the following purposes:

| Purpose:  | Legal basis of processing:                                       |
|---|--|
| Where it is necessary to use Your Information in order to provide our services to you.  | Contractual necessity  |
| To conduct anti-money laundering checks and fulfil our regulatory obligations in connection with the services.  | Legal obligation   |
| To comply with legal requirements and Card Scheme Rules.  | Legal obligation, contractual necessity and legitimate interests |
| To carry out credit checks and other enquiries to help us make decisions about whether to enter into a contract with You and to evaluate our ongoing relationship with You  | Legitimate interests   |
| For the prevention, investigation and detection of crime and fraud.   | Legitimate interests   |
| To analyse and improve the running of our business.   | Legitimate interests   |
| To market and sell to you products and services offered by Elavon, its Affiliates or third parties, whether relating to Merchant Services or otherwise.   | Legitimate interests   |
| For analytical purposes and we may share this aggregated information with others from time to time. This regards use of records of the transactions in combination with the records of our customers in an aggregated form. | Legitimate interests   |
| For credit-scoring to assess this form and to verify your identity and that of the Other Individuals.   | Contractual necessity  |
| Where it is necessary to use Your Information to enable third parties to provide services to you (including third party providers of transaction processing services).  | Legitimate interests   |

Please note that where we are using Your Information and the legal basis of our processing activities is identified as 'legitimate interests' you have a right to object to our use of Your Information. Please refer to Your rights section for further details.

## How do we share Your Information?

We may at any time give Your Information to:

- Any organisation who introduced Us or who acts on Your behalf to allow them to provide services to you (including third party providers of transaction processing services), and/or to allow them to conduct, monitor and analyse their business;
- Service providers, advisors and agents providing services to Us (including our group companies and Affiliates);
- Card Schemes covered by the TOS;
- VMAS™ and MATCH™ in order to report Customer's business name and the name of Customer's principals to the VMAS™ and MATCH™ listings pursuant to the Card Scheme Rules.
- Anyone who has a legal right to require disclosure of your information or to whom we are permitted by law to disclose your information (this may include third parties such as bailiffs, receivers, the police and the courts);
- Regulatory bodies where required for regulatory purposes;
- Credit reference agencies and fraud prevention agencies (for more information on these disclosures please see below);
- Our professional advisors in order to obtain advice in relation to our relationship with you;
- Any person to whom we assign or sub-contract any of the rights or obligations under our agreement with you;
- Third party investors or potential investors in Elavon or its Affiliates or otherwise in the event of the sale, disposal, merger or transfer of the business of Elavon or its Affiliates, or obtaining financing for Elavon's business, or negotiations in connection with that purpose.

In addition, We may at any time give Your Information to any organisation that requires disclosure of Your Information for regulatory purposes or as a matter of law whether or not their power is derived from an Act/Acts of Government. You further acknowledge and agree that any information provided in connection with this form and all other relevant information, may be supplied by Us to our Affiliates for all of the purposes listed above.

## Overseas transfers of Your Information

We may transfer Your Information to countries outside the European Economic Area (EEA) where data protection laws may not be as strict as they are in the EEA. If we do so we will put in place appropriate controls to ensure that Your Information is protected adequately, in particular through standard data protection model clauses adopted by the European Commission. For more information about these controls please contact us at [EUDataProtectionOffice@elavon.com](mailto:EUDataProtectionOffice@elavon.com).

## For how long do we keep Your Information?

We will keep Your Information for as long as we have a contract with you and for as long as we need Your Information for regulatory or evidential purposes after expiry of termination of your contract.

## Your rights

Individuals have the following rights under data protection legislation:

- a right to ask for a copy of their personal data
- a right to ask Us to delete or correct any information We hold about them that is inaccurate;
- a right to request erasure of information in certain circumstances;
- a right to data portability (this is a right to ask for Your Information in a commonly used electronic format where information has been provided by the individual and the legal basis for processing that information is consent or contractual necessity);
- a right to restrict processing and a right to object to processing activities in certain circumstances;
- a right to stop Your Information from being used for direct marketing purposes; and
- a right to lodge a complaint with the Data Protection Commissioner (or other supervisory authority in the European Union) if You believe that Your Information has not been processed in accordance with the requirements of the data protection legislation.

Where any processing is based on consent you have a right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.

If you would like to exercise any of these rights, please contact us at [EUDataProtectionOffice@elavon.com](mailto:EUDataProtectionOffice@elavon.com).

## **PROVISION OF INFORMATION ABOUT OTHER PEOPLE**

If you are providing personal information about other individuals in this form, you must explain to those individuals whose personal details you have disclosed (“Other Individuals”), the categories of personal information that is being disclosed and all uses and processing of their personal data as detailed in this form. This explanation must be provided to Other Individuals before you submit the form to us.

## **CREDIT REFERENCE AND FRAUD PREVENTION AGENCIES**

### **IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING AND MAINTAINING OF A MERCHANT SERVICES ACCOUNT.**

To ensure compliance with current legal and regulatory requirements aimed at preventing financial crime, money laundering and terrorist financing and to enable Us to proceed with your Application, We are required to obtain, verify and record information that identifies each person who opens up a merchant services account. We shall search your records and those of the Other Individuals at credit reference agencies who shall supply Us with information as well as information from the Electoral Register for the purpose of verifying your identity and that of the Other Individuals. Alternatively, We may ask you to provide physical forms of identification. Prior to our acceptance of this Application and from time to time thereafter, we may investigate the individual and business history and background of the Customer, each such representative and any other officers, partners, proprietors and/or owners of the Customer, and obtain credit reports or other background investigation reports on each of them that We consider necessary to review the acceptance and continuation of this Application.

Credit reporting agencies and other relevant agencies used by us will compile information to answer those credit inquiries and supply Us with such information as well as information from the Electoral Register for the purpose of verifying your identity and that of the Other Individuals. Credit reference agencies will record any credit searches on their file whether or not this Application proceeds.

It is important that you give Us accurate details. We shall check your details and those of the Other Individuals with crime prevention agencies and if you give Us false or inaccurate information and We suspect fraud, We shall record this. We may disclose Your details and details of how you conduct your business and account to such agencies. This information may be used by other credit grantors for making decisions about you or people with whom you are financially associated. The information may also be used for prevention of financial crime and money laundering.

If upon review of the information submitted in Your Application (which may or may not include all of the checks specified above) it appears that We require further information from You, We shall request for this from You. Please note that unless and until we receive this additional information we cannot proceed with your Application. Please note that any such checks and inquiries may occur after opening of Your merchant services account, as they may be desirable or necessary to evaluate the continuance of the Agreement.

This section – “Credit reference and fraud prevention agencies” supersedes the section of the same title from your Application.