

Opayo Gateway Services 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 Data Protection Rules, such as GDPR.

This Privacy Notice applies to all **Opayo eCommerce or face-to-face Gateway** (card-not-present or card-present) products, applications and services offered by Elavon Financial Services DAC. Registered in Ireland with Companies Registration Office. United Kingdom branch registered in England and Wales under the number BR022122, and whose registered office address is 125 Old Broad Street, Fifth Floor, London, EC2N 1AR (“**Elavon**”, “**We**” or “**Us**”), and its affiliates, but excludes any products applications or services that have separate privacy notices which do not incorporate this Privacy Notice.

All Words and phrases not specifically defined below shall have the same meaning as set out in the Opayo Merchant Terms and Conditions.

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 (including sanctions screening based on the respective legislation) in connection with the services.	Legal obligation
To conduct sanctions screening and fulfil our regulatory obligations in connection with the services, if the checks are being conducted on the basis of the legislation obligatory for us, but not binding in the European Union / United Kingdom (respectively)	Legitimate interest
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 Opayo, its affiliates or third parties, whether relating to our 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

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 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) and third parties which process information on our behalf (e.g. internet service and platform providers, payment processing providers and those organisations we engage to help us send communications to you) so that they may help us to provide you with the applications, products, services and information you have requested or which we believe is of interest to you;
- partners, including system implementers, resellers, value-added resellers, independent software vendors and developers that may help us to provide you with the applications, products, services and information you have requested or which we believe is of interest to You;
- third parties used to facilitate payment transactions, for example clearing houses, clearing systems, financial institutions and transaction beneficiaries;
- third parties where you have a relationship with that third party and you have consented to us sending information (for example social media sites or other third party application providers);
- third parties for marketing purposes (e.g. our partners and other third parties with whom we work and whose products or services we think will interest You in the operation of your business activities. For example, financial services organisations (such as banks, insurers, finance providers), payment solutions providers, software and services providers that provide business solutions);
- card schemes and acquirers, if this is necessary to perform our services to You;
- 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;
- 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 DAC or its affiliates or otherwise in the event of the sale, disposal, merger or transfer of the business of Elavon DAC or its affiliates, or obtaining financing for Elavon DAC'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) / United Kingdom where data protection laws may not be as strict as they are in the EEA / United Kingdom. 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 (including the respective United Kingdom transfer clauses, if necessary). For more information about these controls please contact us at 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.

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.

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.