

# SWILLY MULROY CREDIT UNION – GENERAL PRIVACY NOTICE

## Introduction

Swilly Mulroy Credit Union is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information and to provide you with information regarding the processing of information about you for account/loan related purposes and other general purposes.

Our contact details are:

Swilly Mulroy Credit Union, Shore Road, Kerrykeel, Co. Donegal, F92 K296

Phone: 0749150188

Email: info@swilly.cumail.ie

Our Data Protection CO-Ordinator contact details are:

Name: Anne Quinn

Phone: 0749150188

Email: annea@swillymulroycu.ie

## Purpose of Data Collection, Processing or Use

A credit union is a member-owned financial cooperative, democratically controlled by its members, and operated for the purpose of promoting thrift, providing credit at competitive rates, and providing other financial services to its members. Data collection, processing and use are conducted solely for the purpose of carrying out the abovementioned objectives.

## What personal data do we use?

We may collect, store, and use the following categories of personal information about you, depending on the services that you require, including:

- Your name, address, date of birth, email, telephone, financial data, status and history, transaction data; contract data, details of the credit union products you hold with us, signatures, identification documents, salary, occupation, accommodation status, mortgage details, previous addresses, spouse, partners, nominations, Tax Identification/PPSN numbers, passport details, interactions with credit union staff and officers on the premises, by phone, or email, current or past complaints, CCTV footage, telephone voice recordings, relationship to member, bank details (to allow payment/transfer of nominated property)

Depending on the services that you require, we need different categories of information in the list above to allow us to identify you, contact you, comply with our legal obligations, meet legal and compliance obligations and requirements under the Rules of the Credit Union and in order that we perform our contract with you. We also need your personal identification data to enable us to comply with legal obligations. Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

## How we use particularly sensitive personal data

We may also collect, store and use "special categories" of more sensitive personal information including Information about your health, including any medical condition, health, and sickness (for Insurance and associated purposes).

"Special categories" of particularly sensitive personal data require higher levels of protection. We need to have further justification for collecting, storing, and using this type of personal information. We may process special categories of personal data in the following circumstances:

1. In limited circumstances, with your explicit written consent.

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2. Where we need to carry out our legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest, and in line with our data protection policy.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. The following section details specific Data Protection related issues to differing services.

### **SPECIFIC PRIVACY NOTICES**

#### *Account Opening Privacy Notice*

##### **Why we process your personal data.**

- To open and maintain an account for you.
- To meet our obligations to you under the Credit Union's Standard Rules
- To contact you in respect of your account and any product or service you avail of; and
- To comply with our legal obligations, e.g., Anti-money laundering; to identify connected borrowers; etc.

#### *Lending Privacy Notice*

##### **The purposes for which we use your personal data:**

The credit union will use your personal data to assist it in carrying out the following:

- Assessing your loan application and determining your creditworthiness for a loan.
- Verifying the information provided by you in the application.
- We are obliged to purchase loan protection and life savings protection from ECCU.
- Conducting credit searches and making submissions to the Central Credit Register.
- Administering the loan, including where necessary, to take steps to recover the loan or enforce any security taken as part of the loan.
- We may use credit scoring techniques and other automated decision-making systems to either partially or fully assess your application.
- To comply with Central Bank Regulations to determine whether you are a connected borrower or related party borrower.
- Providing updates on our loan products and services by way of directly marketing to you – subject to appropriate consent.

#### *Guarantor Privacy Notice*

##### **Why we process your personal data.**

- To ensure repayment of the loan and to facilitate the requirements of the contract between you and the credit union.
- Assessing the loan application and determining your creditworthiness to guarantee the loan.
- Verifying the information provided by you in the application.
- To contact you in respect of your guarantee in the event of the change of circumstance of the member/ member getting into arrears
- Collection of the debt
- Conduct due diligence/credit checking.
- To comply with Central Bank Regulations to determine whether you are a connected borrower or related party borrower.

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## *Nominations Privacy Notice*

### **How we collect the information**

We collect personal information about nominees from Nomination form completed by the member.

### **Nominations**

- The ability of a member over the age of 16 to nominate individuals to receive property in their credit union account on their death is a unique facility available for credit union members under the credit union legislation by which we operate. The nominated property does not form part of a deceased person's estate.
- The member may nominate a person(s) of choice to receive their property (i.e., shares) in the credit union presently up to a maximum value of €23,000. Any amount in excess of this balance forms part of the member's estate and must be dealt with in accordance with the law.
- The information relating to you as nominee has been provided to us by the member during their lifetime.
- A member may change the details of their nomination as often as they like during their membership with the credit union. In addition, there may be instances where a nomination is revoked through marriage or civil partnership, or the death of the nominee before the nominating member. There is therefore no guarantee that a nomination will be valid until the member has passed away and the validity of the nomination is confirmed by the credit union. As such, we are unable to contact individuals directly to advise them that we are processing their information.
- Where a member makes a nomination, we are required under the credit union legislation by which we operate to keep a record of all persons nominated (along with any revocation or variation of any nomination).
- As this is the first time, we have communicated with you in relation to the nomination, we are required under data protection legislation to provide you with the information contained within this privacy notice.

We need the categories of information in the list above to allow us to record your details in our register of nominations, identify you, to contact you and then upon order upon the passing of the member, to process the nomination (subject to a valid nomination) and transfer any nominated property to you, the nominee(s).

## *Connected Party Privacy Notice*

### **Why we process your personal data.**

- Assessing the loan application and determining your creditworthiness as a connected party/related party.
- Verifying the information provided by you in the application.
- Conduct due diligence/credit checking.
- To comply with Central Bank Regulations to determine whether you are a connected borrower or related party borrower.

## **Your Marketing Preferences**

As part of improving our service to you, from time to time, we would like to inform you of goods, services, competitions and/or promotional offers available from us. We may wish to use different means when sending such marketing communications.

You have a right to notify us free of charge at any time that you wish to refuse such marketing by writing to us at our address at the top of this document or by using the "opt-out" options in any marketing message we send you.

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Please contact us directly should you wish to change or withdraw your consent.

### Other Information

#### **How secure is my information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal data in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes unless they are deemed to be controllers in their own right. We only permit them to process your personal data for specified purposes and in accordance with our instructions. Usually, information will be anonymised, but this may not always be possible. The recipient of the information will also be bound by confidentiality obligations.

#### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you or we may be prevented from complying with our legal obligations.

#### **Change of purpose**

You can be assured that we will only use your data for the purpose it was provided and in ways compatible with that stated purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

#### **Profiling**

We sometimes use systems to make decisions based on personal data we have (or are allowed to collect from others) about you. This information is used for loan-assessment, provisioning and anti-money laundering purposes and compliance with our legal duties in those regards. We may also carry out profiling in order to tailor our marketing to you.

#### **Data Retention Periods**

We will retain permanently, the name in our register of nominations. Member nomination forms (and any other documentation related to the nomination will be retained for a period of six years after the relationship with the member has ended (e.g., the member passing away).

We will only retain your personal data for as long as necessary to fulfil the purpose(s) for which it was obtained, taking into account any legal/contractual obligation to keep it. Where possible we record how long we will keep your data. Where that is not possible, we will explain the criteria for the retention period. This information is documented in our Retention Policy. Once the retention period has expired, the respective data will be permanently deleted. Please see our retention periods below.

- **Accounting records** required to be kept further to the Credit Union Act, 1997 (as amended) must be retained for not less than six years from the date to which it relates.
- The **money laundering** provisions of Anti-Money Laundering legislation require that certain documents must be retained for a period of five years after the relationship with the member has ended.
- We keep **income tax** records for a period of six years after completion of the transactions to which they relate.
- **Loan application** information is retained for a period of seven years from the date of discharge, final repayment, transfer of the loan.
- **CCTV footage** which is used in the normal course of business (i.e., for security purposes, detection of fraud or theft and discovery of errors and omissions) for one month.

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- Credit agreements are contracts and as such the credit union retains them for seven years from date of expiration or breach, and twelve years where the document is under seal.
- Loan applications form part of your credit agreement and as such we retain them for seven years.
- Guarantor details will be held for seven years following default of the borrower, date of demand, discharge, transfer, or repayment of the loan.

### Planned data transmission to third countries.

There are no plans for a data transmission to third countries.

### Updates to this notice

We will make changes to this notice from time to time, particularly when we change how we use your information, and change our technology and products. You can always find an up-to-date version of this notice on our website at [www.SwillyMulroycu.ie](http://www.SwillyMulroycu.ie) or you can ask us for a copy.

## Our use and sharing of your information.

### How we may share the information

We may also need to share some of the above categories of personal data with other parties, such as the Irish League of Credit Unions (ILCU) and our advisers such as solicitors, debt collectors or auditors. Usually, information will be anonymised, but this may not always be possible. The recipient of the information will be bound by confidentiality obligations. We may also be required to share some personal data with our regulator the Central Bank of Ireland as required to comply with the law. The Privacy Notice of the ILCU is available at [www.creditunion.ie](http://www.creditunion.ie).

### Our use of your information

Our legal basis for processing personal data supplied by you for the purpose of this guarantee is in furtherance of this contract and legitimate interest if a credit search /due diligence is conducted.

We will collect and use relevant information about you, your transactions, your use of our products and services, and your relationships with us. We will typically collect and use this information for the following purposes:



#### Fulfilling contract

This basis is appropriate where the processing is necessary for us to manage your accounts and credit union services to you

**Administrative Purposes:** We will use the information provided by you, either contained in this form or any other form or application, for the purpose of assessing this application, processing applications you make and to maintaining and administer any accounts you have with the credit union.

**Third parties:** We may appoint external third parties to undertake operational functions on our behalf. We will ensure that any information passed to third parties conducting operational functions on our behalf will do so with respect for the security of your data and will be protected in line with data protection law.

**Guarantors:** As part of your loan conditions, we may make the requirement for the appointment of a guarantor a condition of your loan agreement in order that credit union ensures the repayment of your loan. Should your account go into arrears, we may need to call upon the guarantor to repay the debt in which case we will give them details of the outstanding indebtedness. If your circumstances change it may be necessary to contact the guarantor

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**Insurance:** As part of our affiliation with the ILCU, we purchase insurance from ECCU Assurance DAC (ECCU), a life insurance company, wholly owned by the ILCU. To administer these insurances we may pass your information to ECCU and it may be necessary to process 'special category' personal data about you. This includes information about your health which will be shared with ECCU for the purposes of our life assurance policy to allow ECCU to deal with insurance underwriting, administration and claims on our behalf. Further information can be found in our lending privacy notice.

If you choose to take out a loan with us, it is a term of your membership, by virtue of our affiliation with the ILCU that the credit union will apply to ECCU for Loan Protection (LP). In order that we apply for LP it may be necessary to process 'special category' data, which includes information about your health. This information will be shared with ECCU to allow it deal with insurance underwriting, administration and claims on our behalf.

**Irish League of Credit Unions (ILCU) Affiliation:** The ILCU (a trade and representative body for credit unions in Ireland and Northern Ireland) provides professional and business support services such as marketing and public affairs representation, monitoring, financial, compliance, risk, learning and development, and insurance services to affiliated credit unions. As this credit union is affiliated to the ILCU, the credit union must also operate in line with the ILCU Standard Rules (which members of the credit union are bound to the credit union by) and the League Rules (which the credit union is bound to the ILCU by). We may disclose information in your application or in respect of any account or transaction of yours from the date of your original membership to authorised officers or employees of the ILCU for the purpose of the ILCU providing these services to us.

The Privacy Notice of ILCU can be found at [www.creditunion.ie](http://www.creditunion.ie)

**The ILCU Savings Protection Scheme (SPS):** We may disclose information in any application from you or in respect of any account or transaction of yours from the date of your original membership to authorised officers or employees of the ILCU for the purpose of the ILCU providing these services and fulfilling requirements under our affiliation to the ILCU, and the SPS.

For the processing of electronic payments services on your account (such as credit transfers, standing orders and direct debits), the Credit Union is a participant of CUSOP (Payments) DAC ("CUSOP"). CUSOP is a credit union owned, independent, not-for-profit company that provides an electronic payments service platform for the credit union movement in Ireland. CUSOP is an outsourced model engaging third party companies, such as a Partner Bank, to assist with the processing of payment data.

**Security:** In order to secure repayment of the loan, it may be necessary to obtain security such as a charge on your property or other personal assets.

**Credit Assessment:** When assessing your application for a loan, the credit union will take a number of factors into account and will utilise personal data provided from:

- your application form or as part of your loan supporting documentation.
- your existing credit union file,
- credit referencing agencies such as the Irish Credit Bureau and the Central Credit Registrar

The credit union then utilises this information to assess your loan application in line with the applicable legislation and the credit unions lending policy.

**Third parties:** We may appoint external third parties to undertake operational functions on our behalf. We will ensure that any information passed to third parties conducting operational functions on our behalf will do so with respect for the security of your data and will be protected in line with data protection law.

**Member Service:** To help us improve our service to you, we may use information about your account to help us improve our services to you.

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**Debit or Charge Card:** If you have a debit, or prepaid card with us, we will share transaction details with companies which help us to provide this service



### Legal Duty

This basis is appropriate when we are processing personal data to comply with an Irish or EU Law.

**Tax liability:** We may share information and documentation with domestic and foreign tax authorities to establish your liability to tax in any jurisdiction. Where a member is tax resident in another jurisdiction the credit union has certain reporting obligations to Revenue under the Common Reporting Standard. Revenue will then exchange this information with the jurisdiction of tax residence of the member. We shall not be responsible to you or any third party for any loss incurred as a result of us taking such actions. You can find further information at the following link: <http://www.revenue.ie/en/companies-and-charities/international-tax/aeoi/what-is-aeoi.aspx>

Under the “Return of Payments (Banks, Building Societies, Credit Unions and Savings Banks) Regulations 2008” credit unions are obliged to report details to the Revenue in respect of dividend or interest payments to members, which include PPSN where held.

**Regulatory and statutory requirements:** To meet our duties to the Regulator, the Central Bank of Ireland, we may allow authorised people to see our records (which may include information about you) for reporting, compliance, and auditing purposes. An example of this is our legal obligation to file reports on the Central Credit Register in accordance with the Credit Reporting Act 2013. For the same reason, we will also hold the information about you when you are no longer a member. We may also share information with certain statutory bodies such as the Department of Finance, the Department of Social Protection and the Financial Services and Pensions Ombudsman Bureau of Ireland, the appropriate Supervisory authority if required under law.

**Compliance with our anti-money laundering and combating terrorist financing obligations:** 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 (Money Laundering and Terrorist Financing) Act 2010, as amended by Part 2 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, the Beneficial Ownership Register for Certain Financial Vehicles (“CFV”), on the Bank Account Register, the European Union Cross-Border Payments Reporting (“CESOP”), the Central Register of Beneficial Ownership of Trusts (“CRBOT”) and the Ireland Safe Deposit Box and Bank Account Register (ISBAR). This reporting obligations requires the credit union to submit certain member data to the relevant authority administering the registers, such as the Central Bank of Ireland or the Revenue Commissioners. For further information, please contact the credit union directly.

**Audit:** To meet our legislative and regulatory duties to maintain audited financial accounts, we appoint an external auditor. We will allow the external auditor to see our records (which may include information about you) for these purposes.

**Purpose of the loan:** We are obliged to ensure that the purpose for the loan falls into one of our categories of lending.

**House Loan:** Where you obtain a house loan from us, it will be necessary for the credit union to obtain a first legal charge on the property to be purchased and it will be necessary for us to process your personal data in order to register this charge or have this charge registered on our behalf

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**Credit Reporting:** Where a loan is applied for in the sum of €2,000 or more, the credit union is obliged to make an enquiry of the Central Credit Register (CCR) in respect of the borrower. Where a loan is granted in the sum of €500 or more, the credit union is obliged to report both personal details and credit details of the borrower [and guarantor shortly] to the CCR.

**Nominations:** The Credit Union Act 1997 (as amended) allows members to nominate a person(s) to receive a certain amount from their account on their death, subject to a statutory maximum. Where a member wishes to make a nomination, the credit union must record personal data of nominees in this event.

**Connected/Related Party Borrowers:** We are obliged further to Central Bank Regulations to identify where borrowers are connected in order to establish whether borrowers pose a single risk. We are also obliged to establish whether a borrower is a related party when lending to them, i.e. whether they are on the Board/Management Team or a member of the Board/ Management Teams family or a business in which a member of the Board /Management Team has a significant shareholding.

**Incapacity to Act on your account:** The Credit Union Act 1997 (as amended) provides, in the circumstances where you become unable to transact on your account, due to a mental incapability and no person has been legally appointed to administer your account, that the Board may allow payment to another who it deems proper to receive it, where it is just and expedient to do so, in order that the money be applied in your best interests. In order to facilitate this, medical evidence of your incapacity will be required which will include data about your mental health. This information will be treated in the strictest confidentiality.



### Legitimate interests

A legitimate interest is when we have a business or commercial reason to use your information. But even then, it must not unfairly go against what is right and best for you. If we rely on our legitimate interest, we will tell you what that is.

**CCTV:** We have CCTV footage installed on the premises with clearly marked signage. The purpose of this is for security, detection of fraud or theft and discovery of errors and omissions.

**Voice Recording:** We record phone conversations both incoming and outgoing for the purpose of verifying information and quality of service and training purposes.

**Our legitimate interest:** With regard to the nature of our business, it is necessary to secure the premises, property herein and any staff /volunteers/members or visitors to the credit union.

**Our Legitimate interest:** To ensure a good quality of service, to ensure that correct instructions were given or taken due to the nature of our business and to quickly and accurately resolve any disputes

### Credit Assessment and Credit Reference Agencies:

When assessing the application for a loan, as well as the information referred to above in credit assessment, the credit union utilises credit data the Central Credit Registrar (see *Legal Duty*).

**Our legitimate interest:** The credit union, for its own benefit and therefore the benefit of its members, must lend responsibly and will use your credit scoring information in order to determine the suitability for the loan applied for. When using the service of a credit referencing agency we will pass them your personal details and details of your credit performance.

**Debt Collection:** Where the borrower breaches the loan agreement we may use the service of a debt collection agency, solicitors or other third parties to recover the debt. We will pass them details of the loan application in order that they make contact with you and details of the indebtedness in order that they recover the outstanding sums.

**Our legitimate interest:** The credit union, where appropriate will take necessary steps to recover a debt to protect the assets and equity of the credit union



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**Judgements Searches:** We may carry out searches in Vision Net in order to assess your credit worthiness to repay a loan as guarantor.

**Our legitimate interest:** The credit union, for its own benefit and therefore the benefit of its members, must lend responsibly and will use your credit scoring information in order to determine your suitability for the loan applied for. In carrying out such a search we can better determine your overall financial position in order to lend to you.



### Your consent

We will only carry out processing which is based on your consent and will cease processing once you withdraw such consent

### Marketing and Market Research

To help us improve and measure the quality of our products and services we undertake market research from time to time. This may include using the Irish League of Credit Unions and/or specialist market research companies.

### Art Competition






This credit union is involved with the Art competition in liaison with the ILCU. Upon entry you will be given further information and asked for your consent to the processing of personal data. Your information is processed only where you have given consent. Where the person providing consent is below 16 then we ask that the parent/legal guardian provide the appropriate consent. A separate privacy notice is included in all Art Competition entry forms.

### Schools Quiz



This credit union is involved in the Schools Quiz in liaison with the ILCU. The School's Quiz is open to entrants aged 4 to 13. Upon entry parent/legal guardians will be given further information and asked for their consent to the processing of their child's personal data. This information is processed only where consent has been given. Where the person providing consent is below 16 then we ask that the parent/legal guardian provide the appropriate consent. A separate privacy notice is included in all School Quiz entry forms.

## Your Rights

The following are your rights in connection with your personal data.

	<b>To find out</b> whether we hold any of your personal data <b>and if we do to request access</b> to that data that to be furnished a copy of that data. You are also entitled to request further information about the processing.
	<b>Request correction</b> of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you rectified.
	<b>Request erasure</b> of your personal information. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
	<b>Object to processing</b> of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal data for direct marketing purposes.
	<b>Request the restriction of processing</b> of your personal information. You can ask us to suspend processing personal data about you, in certain circumstances.

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	Where we are processing your data based solely on your consent <b>you have a right to withdraw that consent at any time and free of charge.</b>
	Request that we: a) <b>provide you with a copy of any relevant personal data in a reusable format</b> ; or b) <b>request that we transfer your relevant personal data to another controller</b> where it's technically feasible to do so. <i>Relevant personal data</i> is personal data that: You have provided to us or which is generated by your use of our service, which is processed by automated means and where the basis that we process it is on your consent or on a contract that you have entered into with us.

You have a right to complain to the Data Protection Commissioner in respect of any processing of your data at		
<b>Post</b> Data Protection Commissioner 21Fitzwilliam SquareSouth Dublin2 D02 RD28	<b>Telephone</b> +353 017650100 1800437737	<b>E-mail</b>

**Please note that the above rights are not always absolute and there may be some limitations.**

If you want access and/ or copies of any of your personal data or if you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we send you or a third party a copy your relevant personal data in a reusable format please contact our Data Protection Officer in writing using their contact details above.

**There is no fee in using any of your above rights**, unless your request for access is clearly unfounded or excessive. We also reserve the right to refuse to comply with the request in such circumstances.

**We may need to verify your identity if we have reasonable doubts as to who you are.** This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

**Ensuring our information is up to date and accurate.** We want the service provided by us to meet your expectations at all times. Please help us by telling us straight away if there are any changes to your personal information. If you wish to avail of either of these rights, please contact us using our contact details at the top of this document.

If you wish to discuss any of your personal data or want a specific piece of Data please contact us in the first instance and we will be more than happy to assist you.

Swilly Mulroy Credit Union		Data Protection Co-Ordinator Contact Details	
<b>Address</b>	Shoreroad, Kerrykeel Letterkenny, Co Donegal	<b>Name</b>	Anne Quinn
<b>Phone</b>	0749150188	<b>Company</b>	Swilly Mulroy Credit Union
<b>Email</b>	info@swilly.cumail.ie	<b>Phone</b>	0749150188
<b>Website</b>	www.swillymulroycu.ie	<b>Email</b>	anneq@swillymulroycu.ie
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