



## Privacy Notice of Malahide and District Credit Union General

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 for the purpose of facilitating the abovementioned objectives. This Privacy Notice is to provide you with information regarding the processing of information about you for account related purposes and other general purposes and further processing that may be necessary if you apply for a loan with us.

Our contact details are:

Address: 4 Main Street, Malahide, Co Dublin

Phone: 01 8451400

Email [info@malahidecu.ie](mailto:info@malahidecu.ie)

Data Protection Officer

Contact: [DPO@malahidecu.ie](mailto:DPO@malahidecu.ie)

Phone: 01 8451400

**Malahide and District** Credit Union is committed to protecting the privacy and security of your personal data. This privacy notice describes how we collect and use personal data about you during and after your relationship with us.

### What personal data do we use?

We may collect, store, and use the following categories of personal data about you:

- Your name, address, date of birth, email, telephone, financial data such as status and history, transaction data; contract data, details of the credit union products you hold with us, signatures, identification documents, salary, occupation, source of wealth, source of funds, Politically Exposed Status, beneficial ownership status, accommodation status, mortgage details, previous addresses, spouse, partners, nominations, Tax Identification/PPSN numbers, passport details, driver licence details, residency, tax residency, interactions with credit union staff and officers on the premises, by phone, or email, current or past complaints, CCTV footage, telephone voice recordings

#### **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:

- To open and maintain an account for you.
- To meet our obligations under the Credit Union's Standard Rules.

- To contact you in respect of your account and any product or service you avail of.
- To comply with our legal obligations for example anti-money laundering and beneficial ownership reporting obligations.
- In assessing your loan application and determining your creditworthiness for a loan.
- Verifying the information provided by you in the application.
- In order 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.
- When acting as an insurance intermediary, to meet our obligations.

We may also collect, store and use the following “special categories” of more sensitive personal data:

Information about your health, including any medical condition, health and sickness. (This information may be shared with ECCU our insurance company.) See Insurance for further details.

We need all the categories of information in the list above to allow us to; identify you and contact you 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**

“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 data. We may process special categories of personal data in the following circumstances:

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

#### **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<sup>1</sup>. 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 data**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered

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<sup>1</sup> As a data controller, the organisations will be required to have provided you with a separate privacy notice setting out what it does with its data.

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 data 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 loans assessment and anti-money laundering purposes and compliance with our legal duties in that regard.

### **Data Retention Periods**

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. [Please see our data retention schedule on [www.malahidecu.ie](http://www.malahidecu.ie)

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 7 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) for one month.
- **Telephone recordings** voice recordings are retained for a period of 6 months.
- Credit agreements are **contracts** and as such the credit union retains them for 7 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 7 years.

### **Planned data transmission to third countries**

**DATA TRANSFERS TO UK.** Data may be transferred from us to the UK which is a third country. The data is transferred on the basis of and adequacy regulation by the EU in respect of the U.K

We may transfer the personal data we collect about you to countries outside the EU. In order to perform our contract with you. There is an adequacy decision by the European Commission in respect of those countries. This means that the [country OR countries] to which we transfer your data are deemed to provide an adequate level of protection for your personal data.

However, to ensure that your personal data does receive an adequate level of protection we have put in place the following appropriate measure[s] to ensure that your personal data is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection: . **For more information about the European Commissions' on the adequacy of the protection of personal information in countries outside the EEA please visit [https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en)**

### **Our use and sharing of your information**

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 maintain and administer any accounts you have with the credit union.

**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.

**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 be done 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.

**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 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.

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

[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.]

**[Electronic Payments not through CUSOP:** If you use our electronic payment services to transfer money into or out of your credit union account or make payments through your debit card into your credit union account, we are required to share your data with our electronic payment service provider world Pay.

**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. This includes Life Savings (LS), Loan Protection (LP), and optional related riders (where applicable).

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.

**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 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.

## Cookies

**Member Service:** We may use information about your account to help us improve our services to you.

We may obtain information about your general internet usage by using a cookie file which is stored on your browser or the hard drive of your computer. Cookies are small pieces of information, stored in simple text files, placed on your computer by a website. Cookies can be read by the web site on your subsequent visits so that you can access information in a faster and more efficient way. The information stored in a cookie may relate to your browsing habits on the web page, or a unique identification number so that the website can "remember" you on your return visit. Generally speaking cookies do not contain personal data from which you can be identified unless you have separately furnished such information to the website. Some of the cookies we use are essential for the website to operate. For more information on how to manage cookies including how to disable cookies please visit [www.aboutcookies.org](http://www.aboutcookies.org) or [https://ec.europa.eu/info/law/law-topic/data-protection\\_en..](https://ec.europa.eu/info/law/law-topic/data-protection_en..)



**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. 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 personal data with certain statutory bodies such as the Department of Finance, the Department of Social Protection, Register of Beneficial Ownership, the Financial Services and Pensions Ombudsman Bureau of Ireland, and the appropriate Supervisory Authority if required under law.

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

**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 Act”), 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 and internal auditor. We will allow the internal and external auditor to see our records (which may include information about you) for these purposes.

**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.

**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.

**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] to the CCR. **A memorandum of understanding exists between the CCR and the central statistics office CSO where the CCR may share information with the CSO.** **For more information please go to:** [Memorandum of Understanding between the Central Statistics Office and the Central Bank of Ireland in relation to the Central Credit Register \(PDF 664KB\)](#) and <https://www.centralcreditregister.ie/borrower-area/faqs/data-protection/>

**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.

**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.



**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.

**Credit Assessment:**

When assessing your application for a loan, as well as the information referred to above in credit assessment, the credit union also utilises credit data from 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 your suitability for the loan applied for.

**Debt Collection:** Where you breach 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. We use a private investigator in order to locate you] in the event that you fail to make repayments on your loan and or fail to make contact with the credit union.]

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

**Judgements Searches:** We carry out searches with Experian in order to assess your credit worthiness to repay a loan.

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 history 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.

**CCTV:** We have CCTV footage installed on the premises with clearly marked signage. The purpose of this is for [security, public safety and the prevention and detection of fraud].

Our legitimate interest: To manage and monitor our property and for the purposes of crime prevention and prosecution of offenders, for identifying accidents and incidents and to assist in effective resolution of disputes which may arise in relation to counter transactions

**Voice Recording:** We record phone conversations both incoming and outgoing for the purpose of verifying information and quality of service. Voice recordings are retained for a period of 6 months

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



#### Your consent

**We will only carry out the below processing when we have obtained 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/ specialist market research companies. See section on Your Marketing Preferences.

##### [Art Competition]

[This credit union is involved with the Art competition in liaison with the ILCU. Upon entry you will be given further information. Where the person is below 16\* then we ask that the parent/legal guardian to provide the appropriate consent. A separate privacy notice is included in all Art Competition entry forms. (\*This is subject to change)]

##### [Schools Quiz]

[This credit union is involved in the Schools Quiz in liaison with the ILCU. The Schools 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. Where the person 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. (\*This is subject to change)].



## Your Rights in connection with your personal data are to:



**To find out** whether we hold any of your personal data and **if we do to request access** to that data that to be furnished a copy of that data. You are also entitled to request further information about the processing.



**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you rectified.



**Request erasure** 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).



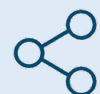
**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal data for direct marketing purposes.



**Request the restriction of processing** of your personal information. You can ask us to suspend processing personal data about you, in certain circumstances.



Where we are processing your data based solely on your consent **you have a right to withdraw that consent at any time and free of charge.**



Request that we: a) **provide you with a copy of any relevant personal data in a reusable format**; or b) **request that we transfer your relevant personal data to another controller** where it's technically feasible to do so. 'Relevant personal data 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 (DPC)** in respect of any processing of your data by:

<b>Telephone</b> +353 57 8684800 +353 (0)761 104 800 <b>Lo Call Number</b> 1890 252 231 <b>Web Form:</b> <a href="https://forms.dataprotection.ie/contact">https://forms.dataprotection.ie/contact</a>	<b>Postal Address:</b> Data Protection Commissioner 21 Fitzwilliam Square South, Dublin 2, D02 RD28 Ireland
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**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 [POSITION] 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 straightaway if there are any changes to your personal information. If you wish to avail of either of these rights, please contact.

us at 8451400

<b>Document Version Control</b>		
The table below summarises the amendments, corresponding rationale and paragraph number in the policy		
<b>Version</b>	<b>Amendment/Modification</b>	<b>Rationale</b>
Version 1.4	Removal of reference to the Irish Credit Bureau (ICB).	The Irish Credit Bureau (ICB) is no longer in existence and therefore credit unions no longer use them for credit assessments.
Version 1.3 August 2021	<p>Insertion of information relating to transfers outside the EEA/EU as a result of Brexit</p> <p>Updating of the DPC Contact Details</p> <p>Inclusion of reference to the filing of records relating to the Central Credit Register (CCR), Beneficial Ownership Register (BOR) and Bank Account Register (BAR)</p> <p>Inclusion of reference to the collection of beneficial owner PPS number details under the Beneficial Ownership Register (BOR) for Certain Financial Vehicles (“CFV”)</p>	<p>To reflect changes brought in by Brexit</p> <p>To reflect changes in how to contact the DPC</p> <p>To reflect legal obligations introduced under the Credit Reporting Act 2013 and under the Criminal Justice (Money Laundering and Terrorist Financing) Acts 2018 and 2021.</p> <p>To reflect legal obligations introduced under Regulation 21(2) of S.I. 110 of 2019, and further amendments in the Investment Limited Partnerships (Amendment) Act 2020 provides for PPS number as a validation mechanism for the information being delivered to the register. In addition, Section 64 of the Investment Limited Partnerships (Amendment) Act 2020 added the Central Bank’s</p>

	<p>Inclusion of Reference to the reporting of payment data from payment services providers and transmissions to the Central Electronic System of Payment information (“CESOP”).</p>	<p>Beneficial Ownership Register of Certain Financial Vehicles to Schedule 5 of the Social Welfare Consolidation Act 2005.</p> <p>On 18 February 2020, the European Union adopted a legislative package to require payment service providers (“PSPs”) to transmit information on cross-border payments originating from EU Member States.</p> <p>Under this package, from January 2024 all payment service providers which provide services in the EU will submit data on certain cross-border payments received by account-holders which originated in other EU Member States. Payment service providers will submit this data to the tax administrations in each EU member state in which they provide their services.</p> <p>This cross-border reporting requirement is part of a larger EU programme which is designed to modernise current cross-border VAT procedures and to make it easier for businesses to meet their VAT obligations. The new cross-border payments reporting requirement</p>
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	<p>Inclusion of reference to Ireland Safe Deposit Box Bank and Payment Accounts Register (ISBAR)</p>	<p>will help tax administrations to support compliant businesses by identifying businesses which do not comply with their cross-border VAT obligations.</p> <p>The register identifies the holders and beneficial owners of bank and payment accounts and safe-deposit boxes in Ireland, for the purpose of establishing links between suspicious transactions and underlying criminal activity. The register, operated by the Central Bank of Ireland, assists competent authorities seeking to prevent and combat Money Laundering (ML) and Terrorist Financing (TF). The register ensures that flows of money can be properly traced to individuals, entities and illicit networks at an early stage.</p>
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