



Privacy Policy

January 2021

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Introduction

Welcome to the ThinCats Group privacy notice.

The ThinCats Group respects your privacy and is committed to protecting your personal data. This privacy notice explains how we look after your personal data, tells you about your privacy rights and how the law protects you.

“You/your” means an individual who is:

- a “Lender Member” - an individual, firm, partnership, company, trust, investment club or other entity that has registered as a Lender Member with the ThinCats Platforms.
- a “Key Account Party” - an individual who is a director, company secretary, partner, member, shareholder, beneficial owner, trustee or other controlling official within a business that is or has made an application to be registered as a borrower with the Thincats Platform.
- an “Account Party” - an individual other than a Key Account Party who has provided personal data to us in connection with a business that is or has made an application to be registered as a borrower with the Thincats Platform.
- A person who visits any website or forum operated by the Thincats Group.

Please also use the Glossary to understand the meaning of some of the terms used in this privacy notice.

1. Important information and who we are

Purpose of this privacy notice

This privacy notice explains how ThinCats collects and processes your personal data.

This website and the ThinCats Platforms are not intended for children and we do not knowingly collect data relating to children.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

Controller

The ThinCats Group is made up of different legal entities, details of which can be found at Schedule 1 to this Policy. This privacy notice is issued on behalf of the ThinCats Group so when we mention The ThinCats Group “we”, “us” or “our” in this privacy notice, we are referring to the relevant company in the ThinCats Group responsible for processing your data. ESF Capital Limited is the controller and responsible for this website.

We have appointed a data protection officer (DPO) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise *your legal rights*, please contact the DPO using the details set out below.

Contact details

Our full details are:

Full name of legal entity: ESF Capital Limited

Name or title of DPO: Samantha Gray, General Counsel

Email address: samantha.gray@thincats.com

Postal address: 2nd Floor, 40 Berners Street, Fitzrovia, London, W1T 3NA.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Changes to the privacy notice and your duty to inform us of changes

This version was last updated on 22 January 2021.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Third-party links

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender, passport details.
- **Contact Data** includes home address, email address and telephone numbers.
- **Financial Data** includes bank account and payment details together with details of your financial position, status and history.
- **Transaction Data** includes details about payments to and from any account held with us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.

- **Profile Data** includes your username and password, feedback and survey responses and forum posts.
- **Usage Data** includes information about how you use our website.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data).

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you but we will notify you if this is the case at the time.

3. How is your personal data collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
 - apply for our products or services;
 - create an account on our website;
 - subscribe to our service or publications;
 - request marketing to be sent to you;
 - enter a competition, promotion or survey; or
 - give us some feedback.
- **Automated technologies or interactions.** As you interact with the ThinCats Platforms and our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, and other similar technologies.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
 - Technical Data from the following parties:
 - (a) analytics providers such as Google based outside the EU;
 - (b) advertising networks based outside the EU; and

(c) search information providers based inside the EU.

- Contact, Financial and Transaction Data from providers of technical, payment and delivery services based inside the EU.
- Identity and Contact Data from data brokers or aggregators based inside the EU.
- Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.
- Credit reference agencies such as Callcredit, Equifax and Experian.

4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To process and manage your Lender Member account: (a) Manage payments, fees and charges (b) Collect and recover money	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (c) Comply with a legal or regulatory obligation
To undertake a risk assessment of a business which you are a Key Account Party of and that has made an application to us to register as a	(a) Identity (b) Contact	(a) Performance of a contract with you (b) Necessary for our legitimate interests (assessing whether your business is suitable to be

<p>borrower. We may use credit reference agencies to assist us with this and in doing so we will share your personal information with them and they will give us information about you and your business</p>	<p>(c) Financial (d) Transaction</p>	<p>registered as a borrower, verify information you have told us, and detect and prevent financial crime) (c) Comply with a legal or regulatory obligation</p>
<p>To register a business which you are a Key Account Party or Account Party of as a borrower</p>	<p>(a) Identity (b) Contact (c) Financial (d) Transaction</p>	<p>(a) Performance of a contract with you (b) Necessary for our legitimate interests (to register your business as a borrower) (c) Comply with a legal or regulatory obligation</p>
<p>To process and manage the loan account of a borrower which you are a Key Account Party or Account Party of. This may include continuing to share your information credit reference agencies for so long as your business remains registered as a borrower with us</p>	<p>(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications</p>	<p>(a) Performance of a contract with you (b) Necessary for our legitimate interests (detect and prevent financial crime, manage your business' accounts with us, trace and recover debts and tell you about relevant offers) (c) Comply with a legal or regulatory obligation</p>
<p>To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey</p>	<p>(a) Identity (b) Contact (c) Profile (d) Marketing and Communications</p>	<p>(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Comply with a legal or regulatory obligation (d) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)</p>
<p>To enable you to partake in a prize draw, competition or complete a survey</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications</p>	<p>(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)</p>
<p>To administer and protect our business, the Platforms and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting, institutional investor on-boarding and hosting of data)</p>	<p>(a) Identity (b) Contact (c) Technical</p>	<p>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation (c) Comply with a legal or regulatory obligation</p>
<p>To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the</p>	<p>(a) Identity (b) Contact</p>	<p>Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform</p>

advertising we serve to you	(c) Profile (d) Usage (e) Marketing and Communications (f) Technical	our marketing strategy)
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

Promotional offers from us

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or have registered to become a Lender Member, a borrower or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

Third-party marketing

We will get your express opt-in consent before we share your personal data with any company outside the ThinCats Group for marketing purposes.

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of your registration as a Lender Member on the ThinCats Platforms.

Cookies

Our website uses some cookies. A cookie is a small file of letters and numbers that we put on your computer if you agree. These cookies allow us to distinguish you from other users of our website, which helps us to provide you with a good experience when you browse our website and also allows us to improve our site. The cookies we use are "analytical" cookies. They allow us to recognise and count the number of visitors and to see how visitors move around the site when they are using it. This helps us to improve the way our website works, for example by ensuring that users are finding what they are looking for easily.

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

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.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. Disclosures of your personal data

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties as set out in the *Glossary*.
- External Third Parties as set out in the *Glossary*. See further below regarding credit reference agencies.
- Specific third parties listed in the table in *paragraph 4* above.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

When we ask credit reference agencies about you or your business, we may supply personal data relating to Key Account Parties and Account Parties to those credit reference agencies (CRAs) and they will give us information about you or your business, such as your financial history. We do this to assess creditworthiness and product suitability, check identities, manage your accounts, trace and recover debts and prevent criminal activity. The CRAs may note it on your credit file as a credit search. Other organisations that may see such note and we can see searches done by other organisations.

We will continue to exchange information about you or your business with CRAs on an ongoing basis, including any debts not paid in time. CRAs will share this information with other organisations. If there are other Key Account Parties in relation to a business then we will link your records with theirs. Credit reference agencies will also link your records together. These links will stay on your records unless you or the Key Account Parties linked to you asks the credit reference agency to break the link. You will normally need proof that you are no longer financially linked.

You can find out more about the CRAs and the ways in which they use and share personal data on their websites. The following are links to the information notice of the three main credit reference agencies:

- www.callcredit.co.uk/crain
- www.equifax.co.uk/crain
- www.experian.co.uk/crain

6. International transfers

In respect of ThinCats Lender Members we do not transfer your personal data outside the European Economic Area (EEA).

In respect of Key Account Parties personal data may be transferred outside the EEA in the event that a ThinCats Lender Member (usually an Institutional Investor) is situated outside the EEA.

In the event that we are required to transfer any personal data to any external third party which may be based outside the EEA their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see European Commission: Adequacy of the protection of personal data in non-EU countries.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see European Commission: EU-US Privacy Shield.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

7. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

Data retention

How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we have to keep basic information about our Lender Members (including Contact, Identity, Financial and Transaction Data) for seven years after they cease being Lender Members for tax purposes. Likewise, in the case of Key Account Parties and Account Parties, we retain this information for the lifetime of the loan and seven years after the loan term ends, again, for legal and tax purposes.

In some circumstances you can ask us to delete your data: see *Request erasure* below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

8. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. In particular you may:

Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of your personal data. 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 successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us.

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

9. Glossary

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

THIRD PARTIES

Internal Third Parties

Other companies in the ThinCats Group acting as joint controllers or processors and who are based in the EEA and provide IT and system administration services and undertake leadership reporting.

ESF ESF Capital Limited (Company No. 09707863) whose registered office is at 40 Berners Street, Fitzrovia, London, W1T 3NA.

ThinCats Group, ESF, Business Loan Capital Limited, ESF Loans Limited, TC Loans I Limited, TC Loans II Limited, and TC Loans (CBILS) Limited, (and any other Affiliate of ESF from time to time)

ThinCats Platforms the lending platform operated by ESF through its website www.ThinCats.com. and any other lending platform operated by the ThinCats Group from time to time.

External Third Parties

- Service providers acting as processors based in the EEA who provide IT and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the EEA who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.
- Potential institutional investors acting as processors who require reporting of processing activities and loan portfolios in certain circumstances. These are usually based in the EEA.
- Financial processing providers acting as processors or joint controllers based in the United Kingdom who provide transactional and administration services.
- Identity agencies acting as processors or joint controllers based in the United Kingdom who provide identity checking services.

- Credit reference agencies (CRAs) such as Callcredit, Equifax and Experian.

Version No.	Policy Approval and Sign Off log		
v.1	Management Committee	TBC	TBC

Version No.	Version History		
v.1	Samantha Gray	August 2018	Drafted
v.1.1	Samantha Gray	May 2019	
v.2	Samantha Gray	February 2020	Amendments re DD collection
v.3	Samantha Gray	April 2020	Amendments to include CATO CRA wording for Experian
v.4	Samantha Gray	July 2020	General Review
v.5	Samantha Gray	January 2021	To extract BLN for separate Platform Privacy Policy

This document was written by Samantha Gray. If you have any queries or comments regarding the information contained in the document, please contact the author:

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