

For the use of mortgage intermediaries and other professionals only.

GENERAL DATA PROTECTION REGULATION.

HALIFAX INTERMEDIARIES
KEY CHANGES GUIDE

MAY 2018



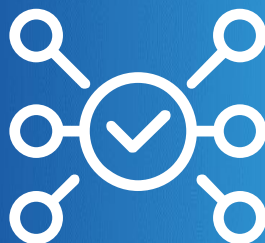
GENERAL DATA PROTECTION REGULATION



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WHAT IS
THE GDPR?



KEY
PRINCIPLES



CONTROLLER
OR PROCESSOR?



LAWFUL
PROCESSING



INDIVIDUAL
RIGHTS



CUSTOMER
DATA PRIVACY



MARKETING
CONSENT



OUR KEY
MESSAGES

GENERAL DATA PROTECTION REGULATION.

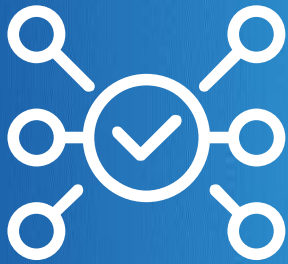


WHAT IS THE GDPR?

- The General Data Protection Regulation (GDPR) is the biggest change in data privacy laws in the UK and Europe for 20 years
- **GDPR applies to all organisations** residing in the EU that hold and process personal data; it is not limited to Halifax Intermediaries, Mortgages or Financial Services
- It's aimed at raising the bar in how we manage personal information and meeting the advanced needs of the digital economy
- When the GDPR takes effect, it will replace the Data Protection Act (DPA) of 1998 and other privacy laws in Europe
- Under the GDPR, a data subject is anyone living who is identified, or can be identified, directly or indirectly, by personal data

The GDPR is a European Union (EU) legislation that comes into effect 25 May 2018.

GENERAL DATA PROTECTION REGULATION.



KEY PRINCIPLES

- Data must be processed **lawfully, fairly** and in a **transparent** manner
- Data must be collected for a **specified, explicit** and **legitimate** purpose
- Data must be **adequate, relevant** and **limited** to what is necessary
- Data must be **accurate** and where necessary, **kept up to date**
- Data must be kept in a form which permits identification of data subjects for **no longer than is necessary**
- Data must be produced in a manner that ensures **appropriate security**, including protection against unauthorised or unlawful processing, accidental loss, destruction or damage using appropriate technical or organisations measures

Organisations must be able to **demonstrate compliance** with all principles and have a duty to report certain types of personal data breaches to the relevant regulatory authority.

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CONTROLLER OR PROCESSOR?

What's the rule?

- The GDPR applies to '**controllers**' and '**processors**'
- A **controller** determines the purposes and means of processing personal data. A **processor** is responsible for processing personal data on behalf of a controller
- If you are a **processor**, the GDPR places specific legal obligations on you; for example, you are required to maintain records of personal data and processing activities. You will have legal liability if you are responsible for a breach
- If you are a **controller** the GDPR places further obligations on you to ensure your contracts with processors comply with the GDPR

Our approach:

- While Halifax can be either a data controller or data processor in different capacities under the GDPR, when you place a client's mortgage application with Halifax Intermediaries our relationship with you is as a **controller**

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LAWFUL PROCESSING

- **Consent** – the individual has given clear consent for you to process their personal data for a specific purpose
- **Contract** – the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract
- **Legal obligation** – the processing is necessary for you to comply with the law (not including contractual obligations)
- **Vital interests** – the processing is necessary to protect someone's life
- **Public task** – the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law
- **Legitimate interests** – the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests

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INDIVIDUAL RIGHTS

What's the rule?

Under the GDPR, individuals have the following rights over their data. The right to:

- Be informed (of processing)
- Access their data
- Rectify inaccuracies
- Erase data
- Restrict processing
- Port their data
- Object to processing or marketing
- Not to be subject to automated decision-making using their personal data

Our approach:

- We have provided intermediaries and customers with access to a comprehensive **Privacy Notice** which includes their individual rights, such as how their data will be processed
- Individuals can **request to see a copy** of the personal data we hold on them at any time using our data subject access request process
- Data can be **updated, corrected** or made available to the individual in a portable format upon request

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CUSTOMER DATA PRIVACY

What's the rule?

The GDPR sets out information that should be supplied to individuals regarding the processing of personal data.

This information must be:

- Concise
- Transparent
- Intelligible
- Easily accessible

Our approach:

Our **Privacy Notice** comprehensively details how an individual's information will be processed, including:

- How the personal data will be used and who it may be shared with
- Where personal data may be collected from, such as third party credit reference agencies
- The purpose, legitimate interest and lawful basis for the processing
- The identity and contact details of the Data Protection Officer and the right to lodge a complaint with a supervisory authority

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MARKETING CONSENT

What's the rule?

The GDPR introduces specific regulations concerning the capture of an individual's consent to process their data:

- Individuals cannot be automatically opted-in to marketing; explicit consent from an individual must be received
- Any consents provided must be as easy to withdraw as they were to provide

Our approach:

We don't send marketing to intermediaries and therefore do not ask you for consent to do so as part of the Halifax Intermediaries registration process

- When placing a mortgage application, we do not ask you to specify the client's marketing consents
- We will ensure your clients are **not opted-in** to any marketing activity unless they provide their explicit consent following completion of their application
- If your client wishes to provide marketing consent to Halifax, they can do so by contacting Halifax directly by calling 0345 720 304

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OUR KEY MESSAGES

- We're **making things easier** by ensuring we're fully compliant with the General Data Protection Regulation ahead of the industry deadline
- **No significant changes** to the keying or sales process via Halifax Intermediaries Online
- Our **simple, clear and fully compliant** short privacy notice is held within the Customer Confirmation document which contains a link to our full privacy notice
- The **Customer Confirmation** document continues to be held in the Literature section of our intermediary website
- It is **your responsibility** to ensure the Customer Confirmation document is provided to your client at the start of the sales process
- We will ensure your clients are **not opted-in** to any marketing activity unless they have provided their explicit consent post completion



FURTHER INFORMATION

Full details of the GDPR can be found by visiting the [Information Commissioners Office \(ICO\)](#) website

For further help and support please contact your local **Business Development Manager**

Alternatively, visit our intermediary website
www.halifax-intermediaries.co.uk

