

**Home Building Finance Ireland and Home
Building Finance Ireland (Lending) DAC
Data Protection Statement**

Table of Contents

1. Executive Summary	2
2. About HBFI	2
3. Purpose of this Data Protection Statement	2
4. HBFI as a Data Controller	3
5. Purposes of Processing	4
6. Special Categories of Data	4
7. Disclosing Personal Data	4
8. Individual Data Subject Rights	5
9. Data Security and Personal Data Breach	6
10. Data Retention	6
11. Data Transfers outside the EEA	7
12. Further Information/Complaints Procedure	8
Annex 1- Purposes of processing.....	9
Annex 2- Glossary.....	10

1. **Executive Summary**

- 1.1 Home Building Finance Ireland (referred to in this Data Protection Statement as “HBFI”, “us” or “we”) and Home Building Finance Ireland (Lending) DAC (“HBFIL”) are committed to complying with our obligations in respect of the processing of Personal Data under data protection laws. The purpose of this Data Protection Statement (“Statement”) is to ensure that we meet our transparency obligations pursuant to the General Data Protection Regulation EU 2016/679 (“GDPR”) and the Data Protection Acts 1988-2018 (“DPA”), together “Data Protection Law”. The Statement sets out information about our duties and responsibilities regarding the protection of Personal Data. References to HBFI throughout this document may be construed as referring to both HBFI and HBFIL.
- 1.2 This Statement has effect from 13th October 2022 and will be reviewed from time to time. The most up to date approved version is posted on the HBFI website. Previous versions are available on request.
- 1.3 This Statement applies to HBFI and to any group entities of HBFI.

2. **About HBFI**

- 2.1 The primary function of HBFI is to lend money for the purpose of funding residential development in the State, provided such lending is on commercial terms.
- 2.2 HBFI in lending money shall
 - (a) Take into account all of the risk factors relevant to such lending, both in respect of the residential development concerned and the business of HBFI; and
 - (b) Aim to -
 - contribute to the economic and social development of the State having regard to Government policy in the area of housing, and
 - enhance the competitiveness of the economy of the State.

3. **Purpose of this Data Protection Statement**

- 3.1 The purpose of this Data Protection Statement is to explain what Personal Data we Process and how and why we Process it where you engage with HBFI, whether as a customer, business partner, job candidate or generally as a member of the public. In addition, this Data Protection Statement outlines our duties and responsibilities regarding the protection of such Personal Data and the rights of Data Subjects in that respect. Information on our website-related Processing activities is available in our HBFI Website Privacy and Cookies Policy.
- 3.2 This Data Protection Statement is not an exhaustive statement of our data protection practices. The manner in which we Process data will evolve over time and we will update this Statement from time to time to reflect changing

practices. In addition, we operate a number of internal workplace policies and procedures which inter-relate with this Data Protection Statement. For example, HBFI has internal policies and procedures governing Personal Data Breaches, Data Subjects' Rights and Data Retention.

- 3.3 In addition, in order to meet our transparency obligations under Data Protection Law, we will incorporate this Data Protection Statement by reference into various points of data capture used by us such as application forms and website forms.

A glossary of some of the data protection terms used throughout this Statement may be accessed in Annex 2.

4. **HBFI as a Data Controller**

- 4.1 HBFI is a statutory body established by the Home Building Finance Ireland Act 2018 (“**HBFI Act**”). HBFI is a wholly owned subsidiary/group entity of HBFI established to perform the functions of HBFI pursuant to Section 7 of the HBFI Act. The data Processing undertaken by HBFI is undertaken in fulfilment of its statutory functions and duties.
- 4.2 For the most part, the Personal Data Processed by HBFI comprises personal information and financial information relating to our Borrowers. We act as Data Controller in relation to that Personal Data.
- 4.3 In some instances, we will collect such Personal Data directly from you and we may also obtain it indirectly from other sources.
- 4.4 When acting as a Data Controller, HBFI relies on Art. 6(1)(e) of the GDPR, which permits Processing that is necessary for the performance of a task which is in the public interest, where such “public interest” is laid down in EU or Irish law, as the legal basis for most of its Processing.
- 4.5 Where Processing activities are not supported by a statutory basis, HBFI relies on alternative legal bases permitted by Data Protection Law, including Processing that is necessary for performance of a contract, Processing necessary to comply with a legal obligation (other than a contract), and Processing based on consent. Examples of how we use your Personal Data and the legal bases related to these uses may be accessed in Annex 1.
- 4.6 Most of the Personal Data received by HBFI is received from Data Subjects themselves or representatives acting on its behalf. Personal Data Categories will include (but are not restricted to) name, address, date of birth, contact details, bank account details and information contained in identity documentation provided to HBFI such as passports and driving licences. HBFI will supplement this data with information that is publicly available from other sources such as from the company registration office, the property registration authority, the central credit register, courts service and internet searches.

5. **Purposes of Processing**

- 5.1 The primary purpose for which we use your Personal Data is to assess your eligibility for HBFI financing.
- 5.2 Where Personal Data is submitted to HBFI, your Personal Data and other information may be processed automatically. However, any final decision about your eligibility involves human decision-making.
- 5.3 We will also Process Personal Data to perform anti-money laundering customer due diligence checks.

6. **Special Categories of Data**

- 6.1 HBFI processes Special Categories of Data in limited circumstances. We do not usually seek this information from borrowers nor do we obtain it from third party sources. However, on an exceptions basis, we may process this type of Personal Data where it is provided to us on a voluntary basis by borrowers.
- 6.2 HBFI may also process data relating to criminal convictions and offence details, on an exceptions basis for instance, if fraud prevention checks reveal a fraud in relation to a borrower application.

7. **Disclosing Personal Data**

- 7.1 From time to time, we will disclose Personal Data to third parties, or allow third parties to access Personal Data which we process, for example, where a law enforcement agency or regulatory authority submits a valid request for access to Personal Data.
- 7.2 We will also share Personal Data: (a) with another statutory body where there is a lawful basis¹ to do so (such as the Data Protection Commission in relation to complaint handling); (b) with selected third parties including contractors and sub-contractors (as appropriate), such as our loan administration service providers; (c) if we are under a legal obligation to disclose Personal Data. This includes exchanging information with other organisations for the purposes of fraud prevention or investigation.
- 7.3 Where we enter into agreements with third parties to Process Personal Data on our behalf, we ensure that the appropriate contractual protections are in place to safeguard such Personal Data.
- 7.4 Examples of third parties to whom Personal Data have been or will be disclosed include:
 - a) Our professional advisors and our auditors;

¹ Where information is shared with another public body and no other lawful basis exists, a data sharing agreement will be put in place, pursuant to the Data Sharing and Governance Act 2019

- b) Regulatory authorities, government agencies if required to do so by law or where we are required to do so in response to requests from all such bodies; and
- c) Our service providers (including the NTMA) which acts as a data processor on our behalf.
- d) The Central Credit Register maintained by the Central Bank of Ireland in respect of which HBFi must furnish credit, loan and personal information in relation to its borrowers.

8. Individual Data Subject Rights

8.1 Data Protection Laws provide certain rights in favour of Data Subjects. The rights in question (“**Data Subject Rights**”) are as follows:

- a) The right to obtain access to Personal Data that we hold about you and certain prescribed information about how we process it. The purpose of this right is to enable you to obtain confirmation that your Personal Data is being processed, to gain access to your Personal Data, and to other supplementary information about how it is processed. This is to ensure you can be aware of and can verify the lawfulness of the processing relating to your Personal Data.
- b) The right to obtain from us without undue delay the rectification of inaccurate Personal Data concerning yourself and to have incomplete Personal Data completed in certain circumstances.
- c) The right to obtain from us the erasure of Personal Data concerning yourself without undue delay in certain circumstances (also known as the “right to be forgotten”). This right is not absolute – it applies only in particular circumstances and where it does not apply any request for erasure will be rejected. Circumstances when it might apply include where the Personal Data is no longer necessary in relation to the purpose for which it was originally collected/processed, when consent is withdrawn (if relevant), when the individual objects to processing and there is no overriding legitimate interest for continuing the processing, if the Personal Data is unlawfully processed, or if the Personal Data has to be erased to comply with a legal obligation. Erasure requests will be refused where it is lawful and permitted under data protection law such as where the Personal Data has to be retained to comply with legal obligations or to exercise or defend legal claims.
- d) The right to obtain the restriction of processing of your Personal Data may be relevant if you contest the accuracy of your Personal Data and its accuracy is being verified; when the processing is unlawful and you request that use of the Personal Data is restricted and where you do not want erasure instead; or when we no longer need to process the Personal Data but you require the Personal Data to be retained in case of future legal claims.
- e) The right to data portability where the Personal Data is Processed by us based on consent or based on a contract and by automated means (as relevant). This right allows individuals to have their Personal Data

transferred to another Data Controller where it is technically feasible to do so. This right only applies to Personal Data which the Data Subject has provided to HBFI (and not to data which is received from third parties).

- f) Rights relating to automated decision making about you including profiling (as relevant) if this has a legal or other significant effect on you as an individual – this right allows individuals in certain circumstances to access certain safeguards against the risk that a potentially damaging decision is taken without human intervention.
- g) The right to withdraw consent (in the limited cases where we rely on your consent to process your personal data), without affecting the lawfulness of processing based on consent before its withdrawal.

8.2 Some rights will not apply in some cases, and exemptions may apply to the exercise of your rights. For example, Articles 17 and 20 of the GDPR state that the right to be forgotten and the right of data portability do not apply to processing that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller.

8.3 Any Data Subject wishing to exercise their Data Subject Rights should write to the HBFI Data Protection Officer, Treasury Dock, 1 North Wall Quay, Dublin 1, D01 A9T8 or email dpo@HBFI.ie. Your request will be dealt with in accordance with the HBFI's Data Subject Rights Requests Procedure.

9. **Data Security and Personal Data Breach**

9.1 The NTMA as Data Processor for HBFI, provides various supports to HBFI and has a suite of Information Security Policies and Procedures which are designed to ensure that appropriate technical and organisational measures are in place to protect information. They are overseen by an IT Security Committee and apply to all HBFI staff. These measures protect Personal Data from unlawful or unauthorised destruction, loss, change, disclosure, acquisition or access. Personal Data is held securely using a range of security measures including, as appropriate, physical measures such as locked filing cabinets, IT measures such as encryption, and restricted access through approvals and passwords.

9.2 Articles 33 and 34 of the GDPR obliges Data Controllers to notify the Data Protection Commission and affected Data Subjects in the case of certain types of Personal Data security breaches. HBFI has implemented a Personal Data Breach Procedure and we will manage a Data Breach in accordance with this procedure.

10. **Data Retention**

10.1 We will keep Personal Data only for as long as the retention of such Personal Data is deemed necessary for the purposes for which that Personal Data are Processed and in accordance with our Records Management Policy.

10.2 HBFI is required to keep records for prescribed periods of time, ranging up to 7 years following the conclusion of the business relationship (and in certain cases, permanently), for example:

- (a) For the purposes of handling potential claims and for record-keeping purposes:
 - (i) Personal data contained within expressions of interest (which do not progress to application stage) and unsuccessful loan applications are retained for up to two years
 - (ii) Where an individual makes a complaint, we will hold records regarding the complaint for 3 years after the complaint is closed.
 - (iii) Where an individual makes a Loan Appeal, such records will be retained for 7 years
 - (iv) Information relating to third parties (e.g. customers, service providers) is kept for up to 7 years following the conclusion of the business relationship, e.g. Loan applications.
 - (v) Personal data in relation to unsuccessful candidates and unsuccessful tenders is anonymised or deleted after 12 months.
 - (vi) Final audit reports are retained permanently
 - (vii) Board and Committee minutes are retained permanently
- (b) In line with Government guidance and best practice, records relating to FOI requests, AIE requests and general queries are kept for 7 years after the complaint is closed (with records relating to general queries being anonymised thereafter), while responses to parliamentary queries are kept permanently.
- (c) Records of calls are kept for up to 2 years for record-keeping and complaint management purposes.

10.3 We may need to keep personal data beyond the periods specified in our Records Management Policy where there is an outstanding claim or dispute, which requires the further retention of personal data in connection with that claim.

11. Data Transfers outside the EEA

11.1 We will not, in the normal course, transfer your Personal Data outside the European Economic Area (EEA) save in exceptional circumstances and in all such cases, the transfer will occur in accordance with applicable Data Protection Law. We take reasonable steps to ensure that the Personal Data is treated securely (typically through the use of EU-approved Standard Contract Clauses and related Transfer Impact Assessments - you can find out what these are here: http://ec.europa.eu/justice/data-protection/international-transfers/transfer/index_en.htm), and in accordance with this Data Protection

Statement, when transferred outside of the EEA. You may request a copy of the EU Standard Contractual Clauses by contacting the HBFI's DPO (contact details below).

12. Further Information/Complaints Procedure

- 12.1 You can ask a question or make a complaint about this Data Protection Statement and/or the Processing of your Personal Data by contacting the HBFI Data Protection Officer at dpo@HBFI.ie. While you may make a complaint in respect of our compliance with Data Protection Law to the Data Protection Commission, we request that you contact the HBFI DPO in the first instance to give us the opportunity to address any concerns that you may have.

Date: 13 October 2022

Annex 1

Purposes of Processing

The following are non-exhaustive examples of the types of Processing undertaken by HBFi along with a description of the underlying statutory basis:

GDPR Lawful Basis	Associated Data Processing Activities
<p>Art 6(1)(b) and Art 6(1)(e)</p> <p>Processing that is necessary for performance of a contract or in relation to preparatory steps prior to entering into a contract:</p> <p>Processing that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller</p>	<p>Your Personal Data (including name, contact details, address and Eircode, and registration number) will be processed to determine if your business is eligible for a HBFi supported financial product. Providing Personal Data to HBFi for this purpose is a contractual requirement. HBFi may also use your contact details to contact you in relation to your application for eligibility pre-clearance and for connected purposes.</p>
<p>Art 6(1)(c) and Art 9(2)(f)</p> <p>Processing that is necessary to comply with a legal obligation (other than a contractual obligation)</p> <p>Processing that is necessary for the establishment, exercise or defence of legal claims</p>	<p>We will be required to Process your Personal Data in order to comply with a legal obligation such as (a) to process your request for information or when you exercise your rights under data protection law; (b) for compliance with legal and regulatory requirements, including certain requirements to retain records; (c) for establishment and defence of legal rights; (d) for activities relating to the prevention, detection and investigation of crime; (e) to verify identity/ies and/or address(es) including under anti-money laundering legislation.</p>
<p>Art 6(1)(a)</p> <p>Processing that is based on your freely given, specific, informed and unambiguous consent</p>	<p>In limited circumstances, we will rely on your consent to process Personal Data such as where consent is provided to participate in certain promotional activities in connection with our activities and in relation to publication of your Personal Data. You are entitled to withdraw your consent at any time using the contact details above.</p>
<p>Art 6(1)(f)</p> <p>Processing that is necessary for the purposes of the legitimate interests pursued by the controller</p>	<p>Maintaining Records / Correspondence such as business contact information in relation to customers, business partners and other business contacts which is collected for the purposes of corresponding with them and for the purposes of records management.</p> <p>Internal audits of HBFi may necessitate the processing of client personal data.</p>

Annex 2

Glossary

In this Data Protection Statement, the terms below have the following meaning:

“Data Breach” means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise Processed.

“Data Controller” means the entity which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.

“Data Processor” means the party that Processes Personal Data on behalf of the Data Controller (for example, a payroll service provider).

“Data Protection Law” means the General Data Protection Regulation (No 2016/679) (**“GDPR”**) and the Data Protection Acts 1988 to 2018 and any other laws which apply to the HBFI in relation to the Processing of Personal Data.

“European Economic Area” or **“EEA”** means Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Iceland, Liechtenstein, and Norway.

“Personal Data” is any information relating to a living individual (**“Data Subject”**) which allows the identification of that individual. Personal Data can include:

- a name, an identification number;
- details about an individual’s address or contact details;
- data related to the delivery a service by HBFI;
- any other information that is specific to that individual.

“Processing” means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. **“Process”** and **“Processing”** are interpreted accordingly.

“Special Categories of Personal Data” are types of Personal Data that reveal any of the following information relating to an individual: racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership. Special Categories of Personal Data also include the Processing of genetic data, biometric data for the purposes of uniquely identifying an individual (for example, fingerprints), health data, data concerning sex life or sexual orientation. Personal Data relating to criminal convictions or offences are also considered sensitive and specific restrictions apply to the processing of such data.