

## **PRIVACY NOTICE**

### **Relating to the Processing of Personal Data by EVO Payments UK Ltd (EVO)**

This privacy notice sets out information as to the data EVO collects and processes in the context of your interaction with us in respect of the services we provide (“Services”). Capitalised terms used in this privacy notice are defined in Section 6

#### **1. Who is the Data Controller**

For the purposes of this Privacy Notice, EVO Payments UK Ltd (**EVO, we, us**) is the Controller. Contact details for DPO and EVO can be found at the end of this Privacy Notice. We inform you that under certain circumstances, we may process Customers Personal Data for purposes other than the provision of acquiring services such as, without limitation, the verification of suspected fraudulent transactions, money laundering prevention checks or compliance with certain regulatory requirements (from now on **“Fraud and Compliance Controls”**).

When providing acquiring services EVO will act as Data Processor, whereas when executing Fraud and Compliance Controls will act as a Controller, and will process Customer’s Personal Data with the purposes, lawful bases and disclosures described in the present Privacy Notice.

#### **2. Which data is processed, for what purpose and on what lawful basis?**

EVO will process the personal data provided directly by the Customer, where applicable, through Its legal representatives, lawyers or any person with sufficient power to act on behalf of you.

In certain situations, EVO may also process personal data which may have been provided or accessed because of any contractual or pre-contractual relationship into which the Customer may have entered with EVO or any other EVO Partners.

In addition EVO may access certain personal data available on third party databases that may be consulted within the on boarding process in compliance with certain applicable regulation and/internal policies (such as, with non-exhaustive intention, Anti Money Laundering Regulation and KYC requirements).

In the following paragraphs, EVO inform you about category of Personal Data, lawful basis, data recipients and purposes to which the personal data processing are subject:

#### **PURPOSE 1 - Management, control and execution of the contractual relationship with you.**

- **Description of the purpose:** Administration of all circumstances related to the contractual relationship entered into with Customers. By way of example, this purpose may consist in actions of: settlement of funds, invoice management, direct debit management, debt management, risk analysis and verification of your data in order to check the accuracy and veracity of these in relation to the entities providing solvency, credit or fraud prevention services.
- **Basis of legitimacy:** GDPR - art. 6.1.b) Processing is necessary for the performance of a contract to which the data subject is a party or in order to take necessary steps to evaluate your request for the provision of services and art.6.1. f) Processing is necessary for the satisfaction of legitimate interests pursued by EVO, consisting of the assessment of your or your business in accordance with EVO's on boarding and risk policies.
- **Data processed for this purpose:** Identification data and contact data; Personal data, or economic, financial and insurance data; data collected from third party databases; or data on transactions of goods and services.

#### **PURPOSE 2 – Payment Services IT integration, support and maintenance services provide to you.**

- **Description of the purpose:** Provision of support and maintenance relating to the IT resources provided by EVO to its Customers.
- **Basis of legitimacy:** GDPR - art. 6.1.b) Processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering in to a contract.
- **Data processed for this purpose:** Identification data and contact data.

#### **PURPOSE 3 - Compliance with regulations applicable to EVO.**

- **Description of the purpose:** Compliance with legal obligations imposed on EVO, of whatever nature, included but not limited to economic, financial or security matters. This may entail, on a case-by-case basis and in a manner closely related to the above purpose, responding to judicial and administrative orders related to the Customer.
- **Basis of legitimacy:** GDPR - 6.1.c) Processing necessary for compliance with a legal obligation applicable to the controller.
- **Data processed for this purpose:** Any category of personal data that may be required by the legislation applicable to EVO in the course of the relationship entered into with the Customer, as described below.

#### **PURPOSE 4 - Provision of back office merchant support services.**

- **Description of the purpose:** To deal with requests, petitions, queries, complaints or claims arising from any Customer as consequence of the use of the products and/or services offered by EVO, including management of Chargebacks.
- **Basis of legitimacy:** GDPR - art. 6.1.b) Processing necessary for the performance of a contract to which the data subject is a party or for the application at his request of pre-contractual measures and art. 6.1. f) Processing is necessary for the satisfaction of legitimate interests pursued by the data controller. Legitimate interest of EVO, consisting of the analysis and provision responses to the concerns, problems complaints raised by the Customer and/or to adequately manage Chargebacks according to the rules issued by Card Schemes.
- **Data processed for this purpose:** Customer identification and contact data ( including but not limited to name, surname, identity documents, postal and/or e-mail address, telephone number, image, voice, etc.) and any other data derived from the use of the service, including Cardholders data.

#### **PURPOSE 5 - Conducting satisfaction surveys on products and/or services provided by EVO.**

- **Description of the purpose:** Processing Customer's data for the purpose of organising and carrying out surveys, in order to monitor and control Customer's satisfaction with the provided services. In general, the surveys carried out will be anonymous, without collecting additional data. This said, and under certain circumstance, for the purposes of making the surveys available to the Customer, EVO will process more data (including Personal Data) than the one strictly necessary (for example e-mail address, mobile phone number...). In such cases EVO will take all necessary measures in order to ensure that the data used is limited to the bear minimum.
- **Basis of legitimacy:** GDPR - art.6.1. f) Processing is necessary for the satisfaction of legitimate interests pursued by the data controller. Legitimate interest of EVO, consisting on the preparation of the target audience and analysis of results, and where appropriate, to develop and implement measures necessary to improve the performance and efficiency of its products and/or services.
- **Data processed for this purpose:** your identification and contact data and/or the identification and contact data of your representatives or employees.

## PURPOSE 6 - Sending EVO communications

- **Description of the purpose:** To send commercial communications about products and/or services similar to those contracted by the Customer for promotional purposes related to products and/or services provided by EVO by conventional and/or electronic means (e-mails, SMS, etc.).
- **Basis of legitimacy:** GDPR - art. 6.1.f) Processing is necessary for the purposes of the legitimate interests pursued by the controller. Unless local regulation requires additional consent. If the case EVO will ensure relevant actions are taken in order to comply with local requirements.
- **Data processed for this purpose:** Customer's identification and contact data (including but not limited to name, surname, identity documents, postal and/or e-mail address, telephone number, image, voice, etc.).

### 3. To whom is the Personal Data disclosed and which Personal Data is subject to International Transfers of Data?

Personal Data may be disclosed to the entities listed below, for the purpose described in each case:

- **TARGET 1:** Public Administrative bodies of each jurisdiction, which are entitled to request information about us or any company or individual citizen as enabled by the corresponding regulation. By way of illustration, but not limited to, National Central Banks, AML supervisory entities, Social Security, Treasury, Tax Administration Agencies or any other Public Bodies that may replace them in their competences, as well as judicial bodies. Such request will only be responded in the event they are addressed to us following ordinary course of request, are based on the exercise of Public Administrative Bodies' legitimate powers and are related to complying with the legal obligations. In any case, the response by us will not exceed the scope of the requirements.
- **TARGET 2:** Banking entities through which EVO processes settlement files and SEPA mandates in order to provide the services.
- **TARGET 3:** Companies providing ancillary services to EVO (i.e. accounting, taxation, IT, legal....) and other entities within the EVO Group. In certain situations, such third party companies could be other companies of the EVO Group located outside in the US (herein "EVO US Companies").

As EVO US Companies are located outside the European Economic Area in which an equivalent level of protection is not recognized, EVO, according to their commitment to security and privacy, have not only completed the assessments required in relation to the transfer impact over the data subjects rights but has also signed with these entities updated Standard Contractual Clauses adopted by the European Commission under Commission Implementing Decision (EU) 2021/914 and corresponding addenda as may be required by specific jurisdictions.

Therefore, each EVO US Company has adopted the technical and organizational security measures required by the applicable regulations, in order to prevent the loss, unauthorized processing or alteration of the Employee's Personal Data. Any third party, agent or representative of the EVO US Company, who must have access to the Employee's Personal Data, must also adopt technical and organizational security measures to protect the Employee's Personal Data.

Customers may request a copy of the relevant safeguards as required by article 13 (1) (f) of GDPR regulation by sending an email to [dpo\\_eu@evopayments.com](mailto:dpo_eu@evopayments.com).

#### **4. How long will the Personal Data be kept?**

Your data will be retained in accordance with the legal terms applicable in each case, taking into consideration the type of Personal Data processed and the purpose of the processing. When the processing is no longer necessary, the affected data will be blocked in such a way that it will be only available when required by the Public Administrative Bodies, as well as in anticipation of their need for the exercise, formulation or defence of any action or claim that may arise from the activity carried out (for example, liabilities).

Once any applicable legal retention period and any actions that may arise from the relationship have expired, your data will be completely deleted. By way of illustration, the legal statute of limitations for infringements of money laundering regulations is set at 10 years.

If further clarification is required do not hesitate in contacting EVO's DPO sending a mail to [dpo\\_eu@evopayments.com](mailto:dpo_eu@evopayments.com)

#### **5. What rights do Data Subjects have?**

A Data Subject has the right to access, rectify, correct, store and delete his/her Personal Data, as well as to limit or object to the processing carried out and not to be subject to automated decisions having legal effect. In the case that consent has been given for a specific purpose, the Data Subject has the right to withdraw this consent at any time. Please note that withdrawal of consent will not in any case affect the lawfulness of the processing based on consent prior to withdrawal in line with article 13(2)(c) of GDPR. Please see definition of Data Subject Rights and Data Subjects in Section 6 of this Privacy Notice for further description of each of these rights.

To exercise any of these rights, you may contact EVO Payments UK Ltd. by sending a letter to the registered office at Lily House, Lily Hill Road, Bracknell, England –RG122SJ- or via the following e-mail address: [gdpr\\_uk@evopayments.com](mailto:gdpr_uk@evopayments.com), including any support documentation as may be needed.

EVO Payments UK Ltd.'s designated Data Protection Officer (DPD or DPO) and email address for this purpose is:

Bird and Bird DPO Services SRL  
Av Louise 235b 1  
1050 Brussels  
Belgium

e-mail address [dpo\\_eu@evopayments.com](mailto:dpo_eu@evopayments.com)

In addition, we inform you about your right to contact the UK Information Commissioner's Office. Contact details can be found here <https://ico.org.uk/global/contact-us/>:

## 6. DEFINITIONS

- a) **Personal Data means** any information relating to an identified or identifiable natural person; an identifiable natural person is any person who can be identified, directly or indirectly, in particular by reference to an identifier, such as a name, an identification number, location data, an online identifier or to one or more elements of that person's physical, physiological, genetic, mental, economic, cultural or social identity;
- b) **Processing means** any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automatic 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;

- c) **Customer means** any legal or physical person who has executed a payment services agreement with EVO, including their employee's or legal representatives in respect of which they have disclosed the data for contacting purposes.
- d) **Cardholder means** a person using a credit card through POS terminals provided to the Customer of EVO UK in order to pay the services received from the Customer.
- e) **Card Scheme means** Visa, Mastercard, AMEX, JCB and China Union Pay or any other issuer entity that from time will be added by EVO within their processing services.
- f) **Chargeback means** an action by which the Cardholder challenges a payment transaction for any reason (i.e. but not limited to fraudulent use of the card by a third party, delay or nonexistent delivery of services....)
- g) **Data Protection Legislation/European Data Protection Regulation/ GDPR means:**

**Regulation (EU) 2016/679** of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons, with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC and any other local jurisdiction that may be of application; and

**UK GDPR consisting** meaning Regulation (EU) 2016/679 as amended by any legislation arising out of the withdrawal of the UK from the European Union and as amended by the Data Protection, Privacy and Electronic Communications (as amended) (EU Exit) Regulations 2019 (as amended); and

**Gibraltar GDPR** meaning Regulation (EU) 2016/679 as amended by any legislation arising out of the withdrawal of Gibraltar from the European Union and as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (known as "the Gibraltar DPPEC Regulations").

- h) **Data Subject Rights/Rights** mean Data Subject rights to Access, Rectify, Erase, Restriction of Processing, Portability, Objection, and not to be subject to automated individual decision-making, including profiling in respect of the Data controlled/processed by EVO. Definitions of the rights:
  - a. **Access right:** means that the data subject has the right to obtain confirmation from the Company as to whether or not personal data concerning him/her are being processed and, if so, the right to access and obtain a copy of the personal data being processed;

- b. **Rectification right:** means the possibility for the data subject to obtain from the EVO Company the rectification of inaccurate personal data concerning him/her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of an additional declaration;
- c. **Erasure right (or "right to be forgotten")** implies the right of the data subject to obtain from the EVO Company the erasure of personal data concerning him/her.
- d. **Limitation of processing right** is the possibility for the data subject to obtain from the EVO Company the limitation of the processing of their data when certain circumstances occur. During the time of limitation of processing, the data may only be processed:
  - i. With the consent of the data subject;
  - ii. For the formulation, exercise or defence of claims;
  - iii. To protect the rights of another natural or legal person;
  - iv. For reasons of important public interest of the European Union or of the Member State concerned.
- e. **Data portability right** translates into the possibility for the data subject to receive from the Company, where technically possible, the personal data concerning him/her that he/she has provided in a structured, commonly used and machine-readable format, and to transmit it to another data Controller, where the processing is carried out by automated means and is based on the data subject's consent;
- f. **Objection right** means the possibility for the data subject to object at any time to the processing of personal data concerning him/her, including profiling;
- g. **Right not to be subject to automated decisions** translates into the possibility for data subjects not to be subject to a decision-making based solely on automated processing, including profiling, which produces legal effects on him or her or similarly significantly affects him or her.
- i) **Data Subject** has the meaning provided by the Data Protection Legislation;
- j) **Processor means** the natural or legal person, public authority, service or other body processing personal data on behalf of the Controller;
- k) **Consent of the data subject means** any freely given, specific, informed and unambiguous indication of the data subject's agreement, either by a statement or by a clear affirmative action, to the processing of personal data relating to them;
- l) **Limitation of processing means** identifying stored personal data for the purpose of limiting their processing in the future;



- m) Profiling means** any form of automated processing of personal data consisting of using personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's professional performance, financial situation, health, personal preferences, interests, reliability, behaviour, location or movements.
- n) Partner means** any third party vendor who has executed an agreement with EVO in order to refer or sell EVO products (by way of non-exhaustive examples - ISV, ISO, Agents...)
- o) Retention Period is** defined as the period during which EVO can retain your data according to any applicable regulation.