



Privacy Policy

FlexCap is the trading name of MTL Financial Ltd. FlexCap respects your privacy and is committed to protecting your personal data. This privacy policy will tell you how we look after your personal data when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you in accordance with the UK General Data Protection Regulation (GDPR) and the EU General Data Protection Regulation (EU GDPR).

MTL Financial Ltd is a data controller and is registered in the UK with the Information Commissioner's Office (the ICO) under registration number ZA318997.

By visiting and using our Website, you acknowledge the practices described in this policy.

This privacy policy is provided in a layered format so you can click through to the specific areas set out below. We have also provided a Glossary to explain the meaning of some of the terms used in this privacy policy.

1) Important information and who we are

a) Purpose of this privacy policy

- i) This privacy policy aims to give you information on how MTL collects and processes your personal data through your use of this website, including any data you may provide through this website when you sign up to our marketing emails, submit an application for a product or services, or use this website.

- ii) This website is not intended for children and we do not knowingly collect data relating to children.
- iii) It is important that you read this privacy policy together with any other privacy policy or fair processing policy 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 policy supplements other notices and privacy policies and is not intended to override them.

b) Controller

- i) MTL Financial Ltd is the controller and responsible for your personal data (collectively referred to as “MTL”, “FlexCap”, “we”, “us” or “our” in this privacy policy).
- ii) We have appointed a data protection officer (DPO) who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

c) Contact details

- i) If you have any questions about this privacy policy or our privacy practices, please contact our DPO in the following ways:
 - (1) Full name of legal entity: MTL Financial Limited
 - (2) Email address: dpo@flexcap.io
 - (3) Postal address: 71-75 Shelton Street, Covent Garden, London, England, WC2H 9JQ
- ii) 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.

d) Changes to the privacy policy and your duty to inform us of changes

- i) We keep our privacy policy under regular review. This version was last updated on 1 November 2024.

- ii) 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.

e) Third-party links

This 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 policy of every website you visit.

2) The data we collect about you

- a) 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).
- b) We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:
 - i) Identity data of individuals may include first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
 - ii) Contact data includes physical address, billing address, email address and telephone numbers.
 - iii) Documentary evidence confirming identity and address, income and expenditure details, tax and accounting information, driving licence or utility bill.
 - iv) Financial data includes bank account and payment card details.
 - v) 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.
 - vi) Profile data includes your username and password to both our platform and third party platforms (including, but not limited to your bank accounts,

payment processor accounts , and/or digital marketing accounts), applications made by you and products or services requested by or supplied to you, your interests, preferences and feedback responses.

- vii) Usage data includes information about how you use our website, products and services.
 - viii) Marketing and communications data includes your preferences in receiving marketing from us and our third parties and your communication preferences.
 - ix) We also collect, use and share aggregated data such as statistical or demographic data for any purpose. Aggregated data could be derived from your personal data but is not considered personal data in law as this data will 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 policy.
 - x) We may also collect certain special categories of personal data about you, this includes details about your criminal convictions and offences.
- c) If you fail to provide personal data
- i) Where we need to collect personal data by law, or in order to provide or procure the supply of the services to 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 (for example, to provide you with a revenue share facility). In this case, we may have to cancel or cease to provide services to you but we will notify you if this is the case at the time.

3) How is your personal data collected?

- a) We use different methods to collect data from and about you including through:
 - i) Direct interactions. You may give us your identity, contact, and financial data by filling in forms, uploading this data to our website, or authorising a

third party to give us access to your data. This includes personal data you provide when you:

- (1) apply for products or services via our website;
 - (2) create an account on our website;
 - (3) subscribe to our service or publications;
 - (4) request marketing to be sent to you; or
 - (5) give us feedback or contact us.
 - ii) Automated technologies or interactions. As you interact with our website, we will automatically collect technical data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please see our [cookie policy](#) for further details.
 - iii) Third parties or publicly available sources. We will receive personal data about you from various third parties and public sources as set out below:
 - (1) Technical data from the following parties:
 - (a) analytics providers such as Google UK Limited based outside the EU; and
 - (b) search information providers.
 - iv) Contact, financial and transaction data from providers of technical, payment and delivery services from any of the Credit Reference Agencies (CRA's) based inside the EU, specifically Transunion International UK Limited, further details found [here](#), and Experian Limited, further details found [here](#).
 - v) Identity and contact data from data brokers or aggregators such as Moody's Analytics UK Limited based inside the EU and from social media platforms such as LinkedIn based outside the EU.
 - vi) Identity and contact data from publicly available sources such as Companies House, the Electoral register and CRA's based inside the EU.
- b) This information may have been collected directly from you through your online account or may have been submitted by someone else, such as another director of the company or a broker. We may also obtain information about you from credit reference and fraud prevention agencies, please see the section on data sharing below for more detail.

4) How we use your personal data

- a) 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:
- i) Where we provide you with a revenue share facility.
 - ii) Where we need to provide services to you.
 - iii) Where it is necessary for our legitimate interests (or those of a third party) e.g. to prevent fraud or to verify your identity and your interests and fundamental rights do not override those interests.
 - iv) Where we need to comply with a legal obligation.
 - v) The table below sets out the types of lawful basis that we will rely on to process your personal data.
 - vi) Generally, we do not rely on consent as a legal basis for processing your personal data although we will get your consent before 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.
- b) Purposes for which we will use your personal data
- i) 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.
 - ii) The personal information we have collected from you will be shared with fraud prevention agencies that will use it to prevent fraud and money-laundering and to verify your identity. If fraud is detected, you could be refused certain services, finance, or employment. Further details of how your information will be used by us and these fraud prevention agencies, and your data protection rights can be found [here](#). It is not compliant to replace the short notice with a link or reference to another document.
 - iii) 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 register you as a new customer	A. Identity B. Contact	Provision of services to you To comply with our legal obligations
To process your application and deliver our services including a revenue share facility	A. Identity B. Contact C. Financial D. Transaction E. Marketing and Communication	A. Performance of a contract with you B. Necessary for our legitimate interests C. Manage our relationship between you and potential lenders

<p>To manage our relationship with you which will include: Notifying you about changes to our terms or privacy policy 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. Provision of services to you B. Necessary to comply with a legal obligation C. Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)</p>
<p>To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>A. Identity B. Contact C. Technical</p>	<p>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 re-organisation or group restructuring exercise). Necessary to comply with a legal obligation</p>
<p>Conducting personal credit checks</p>	<p>A. Identity B. Contract C. Financial</p>	<p>Assessing your eligibility for credit</p>

<p>To use providers of software platforms and contractors and potential lenders</p>	<ul style="list-style-type: none"> A. Identity B. Contract C. Financial 	<p>To process applications made by you, assess financial status, check repayment history, make decisions on your application.</p>
<p>To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you</p>	<ul style="list-style-type: none"> A. Identity B. Contact C. Profile D. Usage E. Marketing and Communications F. Technical 	<p>Necessary for our legitimate interests (to study how customers use our services, to develop them, to grow our business and to inform our marketing strategy)</p>
<p>To use data analytics to improve our website, products/services, marketing, customer relationships and experiences</p>	<ul style="list-style-type: none"> A. Technical B. Usage 	<p>Necessary for our legitimate interests (to define types of customers for our services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)</p>
<p>To make suggestions and recommendations to you about goods or services that may be of interest to you</p>	<ul style="list-style-type: none"> A. Identity B. Contact C. Technical D. Usage E. Profile F. Marketing and Communications 	<p>Necessary for our legitimate interests (to develop our products/services and grow our business)</p>

c) Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. Our website includes embedded products from social media companies, such as Facebook and LinkedIn. Your personal data may be collected by and/or shared with the relevant social media companies and used in accordance with:

- i) the policies of the relevant social media platforms, which you should familiarise yourself with; and
- ii) this policy and the [Cookie Policy](#)

d) Promotional offers from us

- i) 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).
- ii) You will receive marketing communications from us if you have requested information from us or received services from us and you have not opted out of receiving that marketing.

e) Third-party marketing

We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

f) Opting out

When you submit information to us through the Website you may be asked whether we can contact you by telephone, SMS, email or by post to provide you with information about similar or new products and services and initiatives (such as top ups, B2B loans and market research surveys, other product development projects / workshops and marketing initiatives of FlexCap). We give you the opportunity to change your consent preferences for receiving such marketing communications from FlexCap or third parties when you provide your information to us and at any time afterwards in the following ways:

- i) Via email: click the “Unsubscribe” link in any email communication and submit your email address on the next screen or email us at marketing@flexcap.io;
- ii) Via our website: update your contact preferences in the customer account section; or via web chat

If you withdraw your consent to the use of your information for direct marketing purposes, we will process your request as soon as possible. Please note that we reserve the right to take reasonable steps to authenticate your identity with respect to any such request.

g) Cookies

We use cookies to distinguish you from other users of our Website. This helps us to provide you with a good experience when you use our Website and also allows us to improve it. For detailed information on the cookies we use and the purposes for which we use them, please see our Cookie Policy [here](#).

h) Change of purpose

- i) 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.
- ii) 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.
- iii) 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

- a) We may share your personal data with the parties set out below for the purposes set out in the table above.

- b) Internal third parties as set out in the Glossary.
 - c) External third parties as set out in the Glossary.
 - d) Specific third parties listed in the table above.
 - e) 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 policy.
 - f) 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.
- 6) How we keep your information secure
- a) 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 access. They will only process your personal data on our instructions, and they are subject to a duty of confidentiality. Some of our core security measures include:
 - i) We store personal data in an encrypted database;
 - ii) We transmit personal data in an encrypted format; and
 - iii) Our networks are secured with certified firewalls in a multi-layered fashion with redundancy.
 - b) 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.

7) Data Retention

a) How long will you use my personal data for?

- i) We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.
- ii) 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, regulatory, tax, accounting or other requirements.
- iii) Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting us.
- iv) In some circumstances you can ask us to delete your data: see your legal rights below for further information.
- v) In some circumstances we will 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

- a) Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:
 - i) Request access to your personal data.
 - ii) Request correction of your personal data.
 - iii) Request erasure of your personal data.

- iv) Object to processing of your personal data.
- v) Request restriction of processing your personal data.
- vi) Request transfer of your personal data.
- vii) Right to withdraw consent.
- viii) If you wish to exercise any of the rights set out above, please contact us at dpo@flexcap.io

b) 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 could refuse to comply with your request in these circumstances.

c) 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.

d) Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it could 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

a) Lawful Basis

- i) 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.

- ii) 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 or to supply services to you as requested.
- iii) Comply with a legal obligation means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

b) External third parties

- i) Service providers acting as processors based in the EU and outside the EU (Australia, New Zealand and USA) who provide IT, CRM and system administration services.
- ii) Professional advisers acting as processors or joint controllers including auditors and insurers based in the EU who provide consultancy, insurance and accounting services.
- iii) 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.
- iv) Finance providers on our panel of lending partners based in the EU to whom we refer any application for finance by you and who may provide finance to you.

c) Your legal rights

You have the right to:

- i) 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.

- ii) 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.
- iii) 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.
- iv) 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.
- v) 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:
 - (1) If you want us to establish the data's accuracy.
 - (2) Where our use of the data is unlawful but you do not want us to erase it.
 - (3) 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.
 - (4) You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

- vi) 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.
- vii) 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.