

Insolvency Practitioners Direct Limited (“ipd”)

DATA PRIVACY NOTICE

Introduction

This policy is valid from 8 May 2018, although some aspects may not come into force until 25 May 2018.

This Policy, together with our Terms of Website use and other Privacy and Cookie Policies, can be found at <http://www.ipd-uk.com/legal-regulatory-information/>. This Policy sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

The rules on processing of personal data are set out in the General Data Protection Regulation (EU) 2016/679 (the “GDPR”).

The Policy is quite detailed and we summarise matters here:

- We both hold and process personal data and special categories of personal data. These are defined in this Policy.
- We carry out our work as Insolvency Practitioners. We have therefore obtained data subjects’ personal data in this respect from the records of the insolvent companies, partnerships and individuals we deal with which the subject has already provided to them. We also hold personal data that has been provided to us by the subject directly due to a request for such by us in the course of our work. We process that data in accordance with our work on various bases which are defined in this Policy.
- We also promote our services through various marketing methods. We have obtained personal data about a subject in this respect from publicly accessible sources such as social media or a personal or business-related website. We also hold personal data that has been provided to us by the subject directly due to a request for such by us or they have provided their consent for us to hold such data. We process that data in accordance with our marketing activities on various bases which are defined in this Policy

We do not share your personal information with any third party where it does not relate to the nature of our work. When it is shared on a work-related basis, it is done so in accordance with this Policy.

We do not share your personal data with any party for marketing reasons.

Where your data is shared on a non-work-related basis this is only done when we are required to do so by law.

Any questions regarding this Policy should be sent to our data processing officer Martin Williamson who can be contacted at mw@ipd-uk.com.

1. Definitions

Data controller - A controller determines the purposes and means of processing personal data.

Data processor - A processor is responsible for processing personal data on behalf of a controller.

Data subject – Natural person

Categories of data: Personal data and special categories of personal data

Personal data - The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier (as explained in Article 6 of GDPR). For example, name, passport number, National Insurance number, home address or private email address. Online identifiers include IP addresses and cookies.

Special categories personal data - The GDPR refers to sensitive personal data as 'special categories of personal data' (as explained in Article 9 of GDPR). The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual. Other examples include racial and ethnic origin, sexual orientation, health data, trade union membership, political opinions, religious or philosophical beliefs.

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.

Third party - means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

2. Who are we?

Insolvency Practitioners Direct Limited, trading as "ipd", company number 4460757, registered office at Suite 1 Marcus House, Park Hall Business Village, Park Hall Road, Stoke on Trent, ST3 5XA is a **data controller**. This means we decide how your personal data is processed and for what purposes.

Martin Williamson is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales, number 9222 and is a **data controller** and a **data processor**.

Either of us can be contacted at:

Address: Suite 1 Marcus House
Park Hall Business Village
Park Hall Road
Stoke on Trent
ST3 5XA

Telephone: 01782 594344

Email: help@ipd-uk.com

3. The purpose(s) of processing your personal data

We use your personal data for the following purposes:

Nature of work

Insolvency Practitioners.

Description of processing

The following is a broad description of the way ipd and Martin Williamson processes personal information. To understand how your own personal information is processed you may need to refer to any personal communications you have received, check any privacy notices published at <http://www.ipd-uk.com/legal-regulatory-information/> or contact us directly to ask about your personal circumstances.

Reasons/purposes for processing information

Your personal information is processed to enable us to carry out our work as insolvency practitioners which includes processing company data and practitioner data. We also utilise personal data for our marketing activities.

Type/classes of information processed

We process information relevant to the above reasons/purposes. This may include:

- personal details;
- education and employment details;
- goods or services;
- financial details;
- records of company data which include all types of data necessary for the administration of the affairs of insolvent companies, partnerships and individuals;
- records of practitioner data which include details of appointments;
- records under the Company Directors Disqualification Act 1986;
- employees' claims under the Employment Rights Act 1996 and associated legislation;
- details of dividends distributed to creditors.

We also process sensitive classes of information that may include offences and alleged offences, criminal proceedings, outcomes and sentences.

Who the information is processed about

We process personal information about:

- clients;
- employees/staff of our clients;
- complainants;
- enquirers;
- professional advisers and consultants;
- creditors;
- company directors;
- other individuals or organisations belonging to the insolvent company, partnership or individual;
- individuals necessary for the administration of the affairs of insolvent companies, partnerships and individuals.

Providing financial services and advice

Personal information is also processed in order to provide financial services and advice. For this reason, the information processed may include name, contact details, family details, lifestyle and social circumstances, financial details, goods and services and sensitive classes of information that may include physical or mental health details. This information may be

about clients, family and associates of clients, suppliers and enquirers. Where necessary or required this information may be shared as detailed in this Policy.

Undertaking research

Personal information is also processed in order to undertake research. For this reason, the information processed may include name, contact details, family details, lifestyle and social circumstances, financial details, goods and services. The sensitive types of information may include physical or mental health details, racial or ethnic origin and religious or other beliefs. This information is about survey respondents. Where necessary or required this information may be shared as detailed in this Policy.

Consulting and advisory services

Information is processed for consultancy and advisory services that are offered. For this reason, the information processed may include name, contact details, family details, financial details and the goods and services provided. Where necessary this information may be shared as detailed in this Policy.

Marketing

We utilise your personal information for various marketing reasons:

- to tell you about areas of interest you've asked us to tell you about;
- to tell you about other areas of interest that we feel are related to subjects you have asked about;
- to contact you if we need to obtain or provide additional information;
- to check our records are right; and
- to check every now and then that you're happy and satisfied.

Such marketing activities may be carried out by post, email or telephone calls. We do not rent or trade email lists with other organisations and businesses. We screen all contact details against the Mail Preference Service, Telephone Preference Service (TPS) and Corporate Telephone Preference Service (CTPS) at least once every three years.

We use a third-party provider, MailChimp, to deliver our newsletter and other email campaigns. We gather statistics around email opening and clicks using industry standard technologies to help us monitor and improve our e-newsletter and technical publications. For more information, please see [MailChimp's Privacy Notice](#).

You can unsubscribe from general mailings at any time of the day or night by clicking the unsubscribe link at the bottom of any of our marketing emails or by emailing our data processing officer Martin Williamson at mw@ipd-uk.com.

We reserve the right to change third party providers for the purposes of delivering our newsletter, technical publications and other email campaigns. If we do change provider, we will amend this Privacy Policy to include their details.

How we use and protect your data for marketing purposes

We manage your customer data using a cloud-based customer relationship management system called Capsule. We use this to manage and generate email lists which is directly integrated with Mailchimp. When you register for our email newsletter, or consent to our use of your personal information, your data is securely transmitted to Capsule. All data held within Capsule is securely stored with Amazon Web Services (AWS) in the United States. Capsule has an agreement with AWS that ensures safe data transfer in accordance with EU data protection laws. More information can be found here: <https://capsulecrm.com/support/eu-data-protection/>

All data entered into the website is fully encrypted.

We will only disclose your information where we have a legal right or duty to do so (for example in relation to an investigation by a public authority or in a legal dispute).

4. The categories of personal data concerned

We have obtained your personal data from the records of the insolvent companies, partnerships and individuals which you have provided to them. We also hold personal data that has been provided to us by the subject directly due to a request for such by us in the course of our work or with their consent. We may have also obtained your personal information from publicly accessible sources such as social media or a personal or business-related website.

With reference to the categories of personal data described in the definitions section, we process the following categories of your data:

Personal data

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number(s), location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data.

Personal data that has been pseudonymised – e.g. key-coded – can fall within the scope of the GDPR depending on how difficult it is to attribute the pseudonym to a particular individual.

Sensitive personal data

The GDPR refers to sensitive personal data as "special categories of personal data".

The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual. Personal data relating to criminal convictions and civil or other offences are not included, but we consider this data to be 'sensitive' and similar extra safeguards will be applied by us to its processing.

5. What is our legal basis for processing your personal data?

Personal data (article 6 of GDPR)

Our lawful basis for processing your general personal data:

Basis	Reason for Processing
Consent of the data subject	As provided for by past or present consent arrangements. Such consent can be withdrawn by the data subject at any time.
Processing relates to personal data manifestly made public by the data subject	Including information made publicly available through social media, personal or business-related websites or similar medium.
Processing necessary for the performance of a contract with the data subject or to take steps to enter into a contract	In accordance with the terms of a Letter of Engagement issued by ipd.

Basis	Reason for Processing
Processing necessary for compliance with a legal obligation	In accordance with Martin Williamson's role and duties as an Office Holder appointed under the provisions of The Insolvency Act 1986.
Processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller	In accordance with Martin Williamson's role and duties as an Office Holder appointed under the provisions of The Insolvency Act 1986.
Processing necessary for the purposes of the legitimate interests of the data controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the data subject	<p>1. In accordance with any ancillary activities relating to Martin Williamson's role and duties as an Office Holder appointed under the provisions of The Insolvency Act 1986;</p> <p>2. In accordance with legitimate business activities relating to Insolvency Practitioners Direct Limited including but not limited to the promotion of services provided by Insolvency Practitioners Direct Limited.</p>

Special categories of personal data (article 9 of GDPR)

Our lawful basis for processing your special categories of data:

Basis	Reason for Processing
Processing necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement	In accordance with Martin Williamson's role and duties as an Office Holder appointed under the provisions of The Insolvency Act 1986.
Processing necessary to protect the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent	<p>1. In accordance with Martin Williamson's role and duties as an Office Holder appointed under the provisions of The Insolvency Act 1986.</p> <p>2. In accordance with the terms of a Letter of Engagement issued by ipd.</p>
Processing relates to personal data manifestly made public by the data subject	Including information made publicly available through social media, personal or business-related websites or similar medium.
Processing necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity	<p>1. In accordance with Martin Williamson's role and duties as an Office Holder appointed under the provisions of The Insolvency Act 1986.</p> <p>2. In accordance with the terms of a Letter of Engagement issued by ipd.</p>

Basis	Reason for Processing
Processing necessary for reasons of substantial public interest on the basis of EU or Member State law	In accordance with Martin Williamson's role and duties as an Office Holder appointed under the provisions of The Insolvency Act 1986.

More information on lawful processing can be found on the [ICO website](#).

6. Sharing your personal data

Your personal data will be treated as strictly confidential and will be shared only with the parties detailed in this Policy.

There is sometimes a need to share the personal information processed with the individual themselves and also with other organisations. Where this is necessary we are required to comply with all aspects of the provisions of GDPR. What follows is a description of the common types of organisations where we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required personal information is shared with:

- our clients;
- business associates;
- suppliers;
- service providers;
- enquirers;
- professional advisers;
- financial organisations;
- debt collection and tracing agencies;
- credit reference agencies;
- creditors;
- current, past or prospective employers;
- local and central government;
- anyone else where we have your consent.

We do not share your personal information with any third party where it does not relate to the nature of our work. When it is shared on a work-related basis, it is done so in accordance with this Policy.

We do not share your personal data with any party for marketing reasons.

Where your data is shared on a non-work-related basis this is only done when we are required to do so by law.

7. How long do we keep your personal data?

We keep your personal data for no longer than reasonably necessary for the purposes of our work. Such data is generally deleted 6 years after we have completed our work except where the law requires us to hold it for a longer period.

In addition, we hold data for marketing purposes on a rolling 6-year basis.

8. Providing us with your personal data

You are under no statutory or contractual requirement or obligation to provide us with your personal data for our marketing purposes.

However, we do require your personal data in respect of our work as it is a legal, statutory or contractual requirement, or a requirement necessary to enter into a contract.

9. Your rights and your personal data

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data:

- The right to request a copy of the personal data which we hold about you, subject to any fee specified by law;
- The right to request that we correct any personal data if it is found to be inaccurate or out of date free of charge;
- The right to request your personal data is erased where it is no longer necessary to retain such data;
- The right to withdraw your consent to the processing at any time, where consent was the lawful basis for processing the data;
- The right to request that we provide you with your personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), where applicable i.e. where the processing is based on consent or is necessary for the performance of a contract with the data subject and where the data controller processes the data by automated means;
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data, (where applicable i.e. where processing is based on legitimate interests (or the performance of a task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics).

Further details on your personal rights in respect of your data can be obtained at <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

10. Transfer of Data Abroad

It may sometimes be necessary to transfer personal information overseas. When this is needed information is shared within the European Economic Area (EEA) or Internationally as required by law. Any transfers made will be in full compliance with all aspects of the provisions of GDPR.

11. Automated Decision Making

We do not use any form of automated decision making in our business which utilises your personal data.

12. Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Privacy Notice, then a new notice explaining this new use will be published on our website prior to commencing the processing and setting out the relevant purposes and processing conditions. Alternatively, for minor changes, this Policy will be updated.

13. Changes to our privacy policy

Any changes we may make to our privacy policy in the future will be posted to our website at <http://www.ipd-uk.com/legal-regulatory-information/>. Where appropriate, we will also notify you by e-mail. Please check back frequently to see any updates or changes to our Privacy Policy.

14. How to make a complaint

To exercise all relevant rights, queries or complaints please in the first instance contact our data processing officer Martin Williamson at mw@ipd-uk.com.

If this does not resolve your complaint to your satisfaction, you have the right to lodge a complaint with the [Information Commissioners Office](https://ico.org.uk/global/contact-us/email/) on 03031231113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, England.