

Privacy notice

Matthew Dix, Insolvency Practitioner

1. Introduction

I am a licenced Insolvency Practitioner, and in some circumstances I will be a Data Controller when I am acting as an Insolvency Practitioner in accordance with section 388 of the Insolvency Act 1986 . I am committed to protecting the rights of individuals in line with the Data Protection Act 1998 (DPA) and the General Data Protection Regulation (GDPR). This notice provides you with the necessary information regarding your rights and obligations, and explains how, why and when I collect and process your personal data.

The Head of Risk, Jonathan West, is responsible for the data I hold. If you have any questions regarding this notice or the data I hold about you, please contact the Risk and Compliance department by emailing compliance@wilkinchapman.co.uk.

2. What information do I collect about you?

2.1 Personal data

I process your personal information to enable me to meet my statutory and regulatory obligations when acting as an Insolvency Practitioner, as set out in the Insolvency Act 1986 and other legislation and regulation. I will keep your personal data confidential and use it only to enable me to carry out my duties as an Insolvency Practitioner.

I will not collect any personal data from you that I do not need to to carry out my duties as an Insolvency Practitioner.

`Personal data' means any "information relating to an identified or identifiable natural person ('data subject')" In simple terms, information that can be used to identify who you are.

The personal data I collect from you or third parties (such as the Official Receiver, the Court, the Land Registry, Banking and Financial Institutions, Creditors) may include:

- Name, address, date of birth
- Telephone numbers and email addresses
- IP address, mobile device ID's, social media posts
- National insurance number
- Gender and nationality
- Occupation
- Personal identify documents, such a passport or driving licence
- Medical records and details of medical conditions
- Education and Employment details
- Financial records and information

- Records of company data which includes all types of data necessary for the administration of the affairs of insolvent companies, partnerships and individuals
- Records of Insolvency Practitioner data which include all details relating to the Appointments.
- Records under the Company Directors Disqualification Act 1986
- Employees claims under the Employment Consolidation Act 1978
- Details of dividends distributed to creditors
- Information that may include details of offences, alleged offences, criminal proceedings, outcomes and sentences

2.2 Special category data

Special categories of personal data (sensitive personal data) relate to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation.

The special categories of data I may collect from you, or otherwise hold, for the purposes of carrying out my duties as an Insolvency Practitioner may include the following

- Medical information
- Trade union membership, when relevant to the carrying out my duties as an Insolvency Practitioner
- Any other special category data, where specifically required for the purpose of carrying out my duties as an Insolvency Practitioner

In order for me to process your special category data I would need to establish a legal basis for doing so. I would not process your sensitive data unless:

- you gave me your explicit consent to do so; or
- it related to sensitive data which you had already made public; or
- the processing was necessary in order to protect your vital interests and you were physically or legally incapable of giving consent; or
- where it is necessary for reasons of substantial public interest; or
- where there is some other legal basis that allows me to use the information.

You are free to withdraw your consent at any time. If consent is withdrawn you may have the right to have your personal data erased and it will no longer be used for processing, subject to provisions in the GDPR.

3. How will your information be used?

I will use your data for one of the following purposes:

- meet my statutory and regulatory obligations when acting as an Insolvency Practitioner
- progress my administration of the affairs of insolvent companies, partnerships and individuals
- obtain further information about you or a company you represent
- fulfill any other compliance or legal obligation to which I am subject
- verify your identity
- process your payment details
- collect and recover monies owed to me

4. What is the legal basis for processing your personal data?

I may lawfully process your personal data where I have a lawful basis for doing so. Lawful bases include holding and using your data to:

1. To enable me to comply with my statutory and regulatory obligations when acting as an Insolvency Practitioner; or
2. To fulfil my contractual obligations to you or to ensure your contractual obligations to me are met; or
3. Where I (or a third party to whom you disclose it) have a legitimate interest in holding and using your information.

In all cases I will consider your legitimate interests, rights and freedoms.

5. Sharing and disclosing your information

I will share your data with Wilkin Chapman LLP, who may act as a data processor, or sub-processor. I may share your information with other professionals such as Solicitors, Barristers, Experts, Accountants, Banks, Building Societies, Estate Agents, Licensed Conveyancers, Insurance Companies or other third parties who are acting on my behalf in connection with my acting as an Insolvency Practitioner. I regard such processing of personal data as lawful processing as it is linked to a legal obligation to which I am subject.

I require all third party service providers to keep your personal information confidential and to use it only for specific purposes and in accordance with my instructions.

I may use or share any of your personal data which you made public for purposes of communicating with you. I regard such processing of personal data as lawful processing as it is held on publicly accessible databases, registers or lists and its use by me will be compatible with the reasons that justify its presence on such databases, registers or lists.

It may be necessary to share your personal data with credit reference agencies, fraud prevention agencies, the Insolvency Practitioner's Association, Solicitors Regulation Authority, National Crime Agency, Serious Fraud Office, Information Commissioner's Office, Legal Aid Agency and other regulators and authorities who require reporting of processing activities under certain circumstances.

I will not use, share or transfer any information that you provide to me, or I otherwise hold, other than in connection with my acting as an Insolvency Practitioner.

6. Data transfers to third countries and the safeguards in place

Third Countries are any countries outside the European Union and the European Economic Area for whom the GDPR does not apply. Some of these countries do not have adequate data protection controls. If I transfer your personal data to a third country I will comply with the security measures required under the GDPR.

I will not transfer your personal data to third countries without:

- advising you of the risks involved and
- your explicit consent to the proposed transfer

unless I am permitted to do so by law or I am required to do so to meet my statutory and regulatory obligations when acting as an Insolvency Practitioner.

7. How long will your information be held?

I will keep your personal data for no longer than is necessary for the above specified purposes. This is likely to be a minimum period of 6 years after which time it will be confidentially destroyed.

This is subject to my obligations to adhere to any overriding legal or regulatory requirements.

8. Automated decision making

I do not use automated decision-making processes.

9. Your rights

You have a right to access the personal information I hold about you. This includes your right to:

- know what personal data I hold about you
- know with whom I have shared/or will share you personal data with
- know how long I will store your personal data
- object to the processing of your personal data
- ask me to stop using/storing the information I hold about you where it is inaccurate, where I no longer need to use the information or where there is no lawful basis for me to continue to process it*
- ask me to erase the information I hold about you. (The right to be forgotten)
- ask me to transfer your data to you or another person in a secure and structured machine-readable format.

Any requests or objections should be made in writing to:-

Jonathan West
Head of Risk
Wilkin Chapman LLP
Cartergate House
26 Chantry Lane
Grimsby DN31 2LJ.

*I will stop using/storing your information unless I can demonstrate why I have a statutory or regulatory obligation or other legitimate business interest which overrides your interests, rights and freedoms.

10. Security of your information

I take every reasonable measure and precaution to protect and secure your personal data. All information is stored on secure servers in the UK or on cloud-based services in the European Economic Area.

There are several layers of security measures in place, including a hardware firewall to prevent unauthorised access and anti-virus software, daily data back-ups, encryption of sensitive data, password protection and confidential shredding.

11. How to make a complaint

If you are unhappy with the way in which your personal data has been processed you may in the first instance contact Jonathan West, Head of Risk, using the contact details above, or by emailing compliance@wilkinchapman.co.uk

If you remain dissatisfied then you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: -

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Email: www.ico.org.uk

The ICO helpline number is: 0303 123 1113.

This Privacy Policy may be updated from time to time. Any material change to this Privacy Policy will be notified to you.