

THE HAROLD SMITH PARTNERSHIP

PRIVACY STATEMENT

This Privacy Statement explains why we collect personal data, what personal data we collect and how we use it. Your rights in respect of your data are also explained.

Date: 14 May 2018

The Harold Smith Partnership Privacy Statement

1. What is the purpose of this Privacy Statement?

This Privacy Statement explains how we look after your personal data when we provide our services in accordance with applicable legislation intended to protect your personal data and privacy, including the General Data Protection Regulation and related rules. We also explain what your rights are.

By providing your personal data you acknowledge that we will only use it in accordance with this Privacy Statement.

This Statement applies where we act as data controller, which is where we are responsible for deciding how we hold and use your personal data.

It is important that you read this Statement together with any other privacy notice we may provide on specific occasions, so you are aware of how and why we are using your personal data.

2. How will we use your personal data?

Data protection laws require that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained to you and not used in a way that is incompatible with those purposes;
- Relevant to the purposes we have told you about and limited to those purposes;
- Accurate and kept up to date;
- Kept secure and confidential;
- Kept only as long as necessary for the purposes we have told you about.

3. How do we ensure the security of your personal data?

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 use data. They will only process your personal data on our instructions and are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

As part of our data security measures we ensure that we train our employees and have appropriate data protection policies in place to support our compliance.

4. What kind of personal data may we hold about you?

Personal data means any information about an individual from which that person can be identified.

In order to provide our products and services, depending on which you select, we may collect the following types of personal data about you:

- Contact details such as name, address(es), telephone number(s), email address(es);
- Identification information such as: signature, date of birth, gender, nationality, residency, National Insurance Number or other national identity number such as a passport number, driving licence, tax identification numbers and tax rate; income and financial details, bank or building society account details, policy details, marital status, occupation, benefits and entitlements, employment status, employer and job title.

We also collect, store and use personal data, where you have provided this to us, in respect of third parties, such as beneficiaries, spouses, civil partners or dependants. If you do so you are responsible for and confirm you are entitled to provide us with this information and that you have informed those third parties of our identity and the purposes for which their personal data (including sensitive personal data) will be processed. You should draw their attention to this Privacy Statement. We will not use such information except for the purpose for which you have provided it.

5. How may we collect your personal data?

We may collect personal data from you in a number of ways, depending on the service or product you have, including:

- **Information you give us:** You may choose to provide us with your personal data:
 - By submitting a request via the “Contact Us” facility on our website for us to contact you;
 - Corresponding with us by telephone, email, letter or other means;
 - Applying for a product or service;
 - By participating in feedback or surveys or by providing contact details offline.
- **Information we collect about you:** We may automatically collect technical information such as your internet protocol (IP) address if you use our website.
- **Information we receive from other sources:**
 - We may receive information from third parties, such as, your or another financial services provider such as a pension provider or insurance company, health professional or your employer;
 - We may receive information from companies we use to verify your identity and/or to prevent fraud such as credit reference agencies (please note such companies may record the details of the search) including the electoral register and credit information, in accordance with our legal obligations;
 - We may also receive information from third parties who contact us such as Her Majesty’s Revenue & Customs (HMRC), the Department for Work & Pensions (DWP) or the police or other government agencies; and
 - We may obtain personal data from public sources such as Companies House.

6. How will we use your personal data?

We will only use your personal data when the law allows us to. Our main reason why we process your personal data and the applicable circumstances are set out below:

- **To perform the services you have asked us to provide**, for example to:
 - Provide other related services in respect of which you have agreed for us to undertake.
 - Confirm your identity and to communicate with you;
 - Exercise our rights in our agreements;

- **To comply with a legal obligation**, for example:
 - Where we are required to use your personal data and maintain records of our dealings with you by our regulators such as our professional body and HMRC.
 - To respond to complaints and data subject requests (see section 12 below);
 - To investigate, prevent or detect crime;
- **Where it is necessary for our legitimate interests** (or those of a third party) provided your interests and fundamental rights do not override those interests, for example:
 - To establish, exercise or defend our legal rights, where we are faced with any legal claims or where we want to pursue legal claims ourselves;
 - To prevent, investigate and detect fraud and carry out fraud, credit and anti-money laundering checks;
 - To respond to and manage ad hoc enquiries and complaints;
 - To provide management information to enable us to monitor our performance and understand our business, to maintain our business records, to manage our financial position and business capability, to receive professional advice, to improve our products and services and for training purposes;
 - For accounting, auditing purposes and corporate governance purposes;
 - To assist with debt recovery;
 - To provide and improve customer support;
 - To manage risk for us and our clients;
- **Where we have obtained your explicit written consent to do so**, for example:
 - To process your sensitive personal data or criminal offences information (see section 7 below);
 - To provide you with marketing services, including information about Harold Smith related information, which may be provided by other companies.

On rare occasions we may also use your personal data where we need to protect your interests (or someone else's interests) or where it is needed in the public interest, for example for the investigation, detection and prevention of crime.

7. How will we use sensitive personal data?

We may process special or sensitive personal data, and criminal offences information, with your explicit written consent, for example in order to provide appropriate financial advice or to administer or pay out benefits under a contract you have with us (as applicable), and in other limited circumstances:

- Where we need to carry out our legal obligations as explained in this Privacy Statement;
- Where it is in the public interest, such as for equal opportunities reporting or the prevention and detection of unlawful activity such as fraud.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

If we ask for your consent to collect and use this type of information we will explain why it is necessary. If you provide this type of information on behalf of a third party we will ask you to confirm that the third party has provided his or her consent for you to act on their behalf.

8. If you choose not to provide or update personal data

If you do not provide certain information requested we may not be able to provide services and we may not be able to comply with our legal obligations, such as verifying your identity and

complying with anti-fraud and anti-money laundering rules. It could mean we have to cancel a product or service you have with us.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes.

Please note that we may process your personal data without your knowledge or consent where this is required or permitted by law.

9. Who may we share your personal data with?

We may have to share your data with third parties. We will always require those third parties to respect the security of your data and to treat it in accordance with the law and only for the purpose for which we obtained it.

Why might we share your personal data?

We may share your personal data with third parties where required by law, where it is necessary to provide our services, to administer your contract with us or where we have another legitimate interest in doing so, in each case for the purposes described in this Privacy Statement.

We may share your personal data with third parties, who we use to provide our services and products, such as custodians, administrators, fund providers, investment platforms and exchanges, banks, brokers, third party product providers you have selected and investment managers, risk profile providers, in accordance with our contractual and legal obligations. These third parties may also be data controllers in their own right and have their own privacy policies.

We may also share your personal data with the following third party service providers who also support the provision of our products and services: IT and back office administration services; payroll for pension payments; identity verification, anti-fraud and anti-money laundering checks including via credit reference agencies; transaction reporting; archiving facilities; professional advisers and other service providers (such as actuaries); printers; tracing agents; debt collection agencies; property managing agents; compliance services; survey and marketing communication providers; direct debit schemes; underwriters and other financial services and healthcare providers such as insurers, and such other suppliers as we may use from time to time.

Where we are under a legal duty to do so we may share your personal data with HMRC and other tax authorities, the FCA, the PRA, the Financial or Pensions Ombudsman services, the DWP, the courts, the police and other law enforcement agencies.

We will share your personal data with our financial adviser or other person or company you have authorised to deal with us on your behalf.

We may share your personal data with other third parties, for example in the context of the possible sale or restructuring of the business.

We will not sell your details to any third party. We will not use your personal data for marketing purposes without your explicit written consent. We do not use automated decision- making or profiling.

How secure is your information with third parties?

We will only share your personal data for the purposes specified in this Privacy Statement and on the basis that it will be kept confidential and will only be used for the reasons described.

10. Transferring information outside the European Area (“EEA”)

Harold Smith does not typically transfer much personal data outside the EEA.

However, we will take the appropriate steps required by applicable data protection laws to ensure your personal data is protected by either:

- Putting in place standard contractual obligations to ensure your personal data is treated consistently with EEA and UK data protection;
- Ensuring that the third party is part of the US Privacy Shield requiring it to apply similarly appropriate safeguards where data is transferred to the USA.

If you require further information about these protective measures you can request it using the contact details at the end of this Privacy Statement.

11. How long will we use your information for?

We will keep your personal data for as long as you are a Client of Harold Smith. Thereafter we may keep your data for up to 7 years to enable us to respond to any questions or complaints and to maintain records where we are required to do so. We may keep your data for longer than 7 years if we cannot delete it for legal, regulatory or technical reasons, for example in relation to a pension contract.

In some circumstances we may anonymise or pseudonymise your personal data so that it can no longer be associated with you, in which case we may use such information without further notice to you.

12. Your rights in connection with personal data

You can ask us to do certain things with your personal data such as provide a copy of it, correct it or even delete it. There may be occasions where we cannot comply with a request and we will tell you if this is the case and give our reasons. This will usually be for legal or regulatory reasons.

Under certain circumstances you have the right to:

- **Request access to your personal data** (“data subject access request”). This enables you to confirm whether we process your personal data and to receive a copy of the personal data we are processing and certain information about how we use your personal data.
- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request the erasure of your personal data.** You can ask us to delete or remove personal data where the processing is no longer necessary for the original purpose, or where you withdrew your consent, or the processing is unlawful or your personal data must be erased to comply with the law. However in some cases, if we have another legal basis or legitimate interest for processing your personal data, we may not be able to comply. We will tell you if this is the case.
- **Request the restriction of processing of your personal data.** You can ask us to restrict the processing of personal data where you think the personal data we hold is inaccurate until we can verify its accuracy, or you believe we no longer need to process your personal data (but you do not want it erased), or you wish processing to be restricted pending confirmation that our processing is based on our overriding legitimate interest.

- **Object to the processing of your personal data.** You have the right to object to us processing your personal data where we are doing so:
 - Based on our legitimate interest (for the purposes described in this Privacy Statement) unless we can demonstrate compelling grounds as to why the processing should continue in accordance with data protection laws;
 - For direct marketing purposes.

Please note that by exercising this right it is possible that Harold Smith will no longer be able to continue to provide its products or services or administer its contract with you. In such circumstances you would need to consider transferring to another provider.

- **Request the transfer of your personal data to another party.** In certain circumstances you can ask us to send your personal data to a third party of your choice. For example where it is information which is processed by us by automated means and you have consented to such processing or we need to process the information to perform our contract with you.
- **Right to withdraw consent**

If you have provided your consent to the processing of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This would not affect the validity of the processing prior to such date. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Please note that by exercising this right it is possible that Harold Smith will no longer be able to continue to provide services to you. In such circumstances you would need to consider transferring to another provider.

How do you exercise your rights?

You can make a request by contacting Harold Smith via a number of ways set out below. However, we will always ask you to confirm your request in writing.

You will not usually have to pay a fee to exercise any of your rights. However, we may charge a reasonable administration fee, or not comply with a request, if a request is clearly unfounded, excessive or repetitive so as to be deemed vexatious.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

13. What if you have queries about this Privacy Statement or the way Harold Smith uses your personal data?

If you wish to exercise any of your rights, or you have any questions about this Privacy Statement, how we handle your personal data or if you wish to make a complaint, please email: nickashton@haroldsmith.co.uk or write to, or call 01745 538000 Monday to Friday between 9am to 5pm (excluding Bank Holidays).

14. Right to complain

You also have the right to make a complaint at any time to the ICO, the UK supervisory authority for data protection issues. The ICA's contact details are: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113 or at <https://ico.org.uk/>.

15. Changes to this Privacy Statement

We reserve the right to update this Privacy Statement at any time, and we will notify you if we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal data. You should check our website at www.haroldsmith.co.uk periodically to view the most up to date Privacy Statement.