

Financial Services

1 Using your Information

1.1 This Fair Processing Notice (“FPN”) applies to information held about you, or your directors, partners, members, officers, employees, contractors, consultants, family members, fellow trustees, representatives or agents (“Personnel”) as appropriate, by Smith & Williamson Financial Services Limited, 3133226, 25 Moorgate, London, EC2R 6AY. See paragraph 12 below for our contact details.

1.2 In this FPN:

“Data Protection Legislation” means the EU General Data Protection Regulation 2016/679; together with all other applicable legislation relating to privacy or data protection;

and the terms “personal data”, “data subject”, “controller”, “processor” and “process” (and its derivatives) shall have the meanings given to them in the Data Protection Legislation.

“associated company” means in relation to an entity, any parent undertaking of such entity and any subsidiary undertaking of any such parent undertakings as defined in section 1162 of the Companies Act 2006, “associate” will bear a comparable meaning where applicable and in relation to us will be deemed to include Nexia Smith & Williamson Audit Limited and its associated companies.

For the purpose of this FPN, “you” or “your” means you or your Personnel as appropriate.

2 Processing your personal data

2.1 In connection with the provision of our services to you (the “Services”), we may collect, record and use information about you, your Personnel or other relevant individuals, in physical and electronic form and will hold, use and otherwise process the data in accordance with the Data Protection Legislation and as set out in this FPN.

2.2 Before providing us with any information (as defined in paragraph 2.4 below) you are responsible for ensuring that your Personnel or other relevant individuals are aware of this FPN and the provisions of such FPN are clearly communicated to them. For the avoidance of doubt, “your information” means information about you, your Personnel or other relevant individuals.

2.3 “Processing” information about you means any activity that involves the use of your information. It includes obtaining, recording or holding your information, carrying out any procedure or set of procedures on your information including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing may also include sharing your information with third parties and transferring it abroad.

2.4 This “information” includes personal data, which means information that can be used to identify a natural person, including (but not limited to) the following types of personal information:

- 2.4.1 contact information, such as an individual’s home address or work address and contact details (including mobile telephone number);
- 2.4.2 dates of birth, marital/civil partnership status, details of dependants and next of kin;
- 2.4.3 employment status and remuneration details;
- 2.4.4 nationality, domicile and tax residency;
- 2.4.5 financial circumstances including assets and liabilities;
- 2.4.6 information about an individual’s professional qualifications;
- 2.4.7 pay records and national insurance number;
- 2.4.8 pension contributions;
- 2.4.9 medical records;
- 2.4.10 ethical opinions which may affect the service which we provide to you;

2.4.11 other information about an individual that you disclose to us when communicating with us;

2.4.12 details of any complaints or concerns raised;

2.4.13 information we obtain from the way you use and manage your account(s) with us, such as the date, amount and currency of payments which are made to those Accounts;

2.4.14 information we collect from the way we interact when providing the Services to you, your Personnel or other relevant individuals, such as or when you use our telephone services, websites or portal (for more information on our use of cookies on our website or mobile applications, go to www.smithandwilliamson.com/footer-pages/cookie-statement);

2.4.15 information we collect when you or other relevant individuals otherwise communicate with us; and

2.4.16 information we obtain from third parties, such as information that we acquire when verifying details supplied by you. This information obtained from other third party organisations or people may include other Smith & Williamson group companies, employers, joint account holders, credit reference agencies, fraud prevention agencies, scheme administrators, scheme secretaries, investment managers, third party payroll providers, scheme actuaries, custodians, investment advisers or consultants, banks or other similar organisations.

2.5 Some of the information that we collect about you or other relevant individuals may include special categories of personal data (such as information about criminal or alleged criminal offences). We will usually seek separate permission from you in writing to process these special categories of personal data.

2.6 If you fail to provide us with this information or you object to us processing such information (see paragraph 9 below for more information about your and their rights in relation to your information) the consequences are that we may be prevented from providing the Services to you or have to alter the Services we provide to you.

3 Providing third party information to us

If any information which you provide to us relates to any third party (such as people who depend on you financially, a joint account holder, member, employee or beneficiary), by providing us with such personal information you confirm that you have obtained any necessary permissions from such persons to the reasonable use of their information in accordance with the above provisions or are otherwise permitted to give us this information.

4 Purposes for using your personal data

4.1 We collect and process information about you and your transactions to enable us and our Associates to provide the Services to you and in order to meet our legal or regulatory obligations. Specific purposes may include, where applicable:

4.1.1 to liaise with and disclose information to any representatives, agents, directors, officers, partners, members, employees, fellow trustees, family members, professional advisers and/or associated companies;

4.1.2 to liaise with creditors and regulators (in particular with HMRC and TPR);

4.1.3 to establish employee benefit and individual schemes including but not limited to Life Assurance, Income Protection, Private Medical Insurance, Critical Illness, Pension, Dental, Salary Sacrifice, Auto Enrolment;

4.1.4 to complete other assurance engagements;

4.1.5 to provide ongoing administration of employee benefit and individual schemes;

- 4.1.6 to market review any employee benefit schemes and/or individual policies;
 - 4.1.7 to arrange any required medical underwriting;
 - 4.1.8 to provide absence management assistance/services;
 - 4.1.9 to review current employment reward, expenses and benefit arrangements and designing and implementing incentive schemes;
 - 4.1.10 to provide corporate benefits services;
 - 4.1.11 review your systems and controls;
 - 4.1.12 to assist or process any claims;
 - 4.1.13 due diligence work;
 - 4.1.14 to provide a suitable investment solution;
 - 4.1.15 to provide inheritance tax planning solutions;
 - 4.1.16 to provide retirement advice including pensions advice and annuity purchase;
 - 4.1.17 to provide a holistic financial plan;
 - 4.1.18 in order to act as an expert witness in legal proceedings; and
 - 4.1.19 to provide other services to you as set out in our engagement letter with you.
- 4.2 In addition, some of your personal information may be used by us or other companies within the Smith & Williamson Group for other business purposes. Examples of the types of uses of such personal data are set out below. You are responsible for ensuring that your Personnel and other relevant individuals are aware of such uses of their information:
- 4.2.1 for our reasonable commercial purposes (including quality control and administration and assisting us to develop new and improved products and services);
 - 4.2.2 to confirm your identity and carry out background checks, including as part of our checks in relation to anti-money laundering, compliance screening and to prevent fraud and other crimes;
 - 4.2.3 to follow up with you after you request information to see if we can provide any further assistance;
 - 4.2.4 to comply with any requirement of any applicable statute, regulation, rule and/or good practice, whether originating from the UK or elsewhere;
 - 4.2.5 to check your instructions to us;
 - 4.2.6 to prevent and detect fraud and other crime;
 - 4.2.7 to monitor, record and analyse any communications between you and us, including phone calls to analyse, assess and improve our services to customers, as well as for training and quality purposes;
 - 4.2.8 to prevent or detect abuse of our services or any of our rights (and attempts to do so), and to enforce or apply our Terms and Conditions and/or any other agreement and to protect our (or others') property or rights;
 - 4.2.9 to share information with relevant third parties in the context of a sale or potential sale of a relevant part of our business, subject always to confidentiality obligations;
 - 4.2.10 if instructed to do so by you or where you give us your consent to the use and/or processing involved;
 - 4.2.11 to bring to your attention (in person or by post, email or telephone) information about additional services offered by us and/or our Associates, which may be of interest to you, unless you indicate at any time that you do not wish us to do so; and
 - 4.2.12 to improve the relevance of marketing messages we may send you (which you can opt out of as explained below).

5 Automated processing

- 5.1 We do not carry out automated decision-making or profiling in relation to our clients.
- 5.2 In particular, in order to comply with our obligations under anti-money laundering legislation, we are required to verify the identity of all clients and other information (including but not limited to details of any nationality, citizenship or rights of residence you or your Personnel or other relevant individuals hold) to satisfy our regulatory obligations. We may do this using an electronic verification system that we consider suitable or by asking you for documentary evidence.

6 Lawful Grounds for using your personal data

- 6.1 We have described the purposes for which we may use information about you, your Personnel or other relevant individuals. We are permitted to process such information in this way, in compliance with the Data Protection Legislation, by relying on one or more of the following lawful grounds:
 - 6.1.1 you have explicitly agreed to us processing such information for a specific reason;
 - 6.1.2 the processing is necessary to perform the agreement we have with you or to take steps to enter into an agreement with you or them;
 - 6.1.3 the processing is necessary for compliance with a legal or regulatory obligation we have; or
 - 6.1.4 the processing is necessary for the purposes of a legitimate interest pursued by us, which might be:
 - (a) to ensure that the Services we provide are well-managed;
 - (b) to prevent fraud;
 - (c) to protect our business interests;
 - (d) to ensure that complaints are investigated;
 - (e) to evaluate, develop or improve our products and services; or
 - (f) to keep our clients informed about relevant products and services, unless you have indicated at any time that you do not wish us to do so.
 - 6.2 In relation to any processing of special categories of personal data, we will generally rely on obtaining specific consent in order to process such information, although it may be necessary for us to use certain information in order to comply with our legal obligations as a regulated entity (such as in relation to an alleged offence or to carry out verification checks).
 - 6.3 Where you have consented to our processing of such information (including special categories of personal data) you may withdraw such consent at any time, by contacting us using the contact details below. Please note, however, that in certain circumstances it may be still lawful for us to continue processing this information even where you have withdrawn your consent, by relying on the legal bases described above.
- ## 7 Sharing your personal data
- 7.1 We keep all client information confidential. However, in order to be able to service your needs to the best of our ability, we may disclose your information to other recipients or categories of recipients, including Associates within the Smith & Williamson Group, including Nexia Smith & Williamson Audit Limited where applicable, or to our or their agents, counterparties and support service or data providers, wherever located. In certain circumstances, we may transfer your information abroad. See paragraph 8 for more information.
 - 7.2 We will ensure that if we share your information with third parties, any such disclosure is at all times in compliance with Data Protection Legislation.
 - 7.3 The recipients, or categories of recipients, of your information may be:
 - 7.3.1 credit reference agencies in order to perform credit and identity checks on you. To do this, we will supply your personal information to the credit reference agencies and they will give us information about you and they may record that a search has been made and the results of such search (including the information that we provide). We may continue to exchange information about you with credit reference agencies while you have a relationship with us. The credit reference agencies may in turn share your personal information with other organisations;
 - 7.3.2 any revenue service or tax authority including HMRC, if obliged to do so under any applicable legal or regulatory requirements;
 - 7.3.3 appointed independent tax advisers or accountants in connection with their duties in providing the Services to you;
 - 7.3.4 independent accounting and consulting firms through our membership of Nexia International, if necessary for the purpose of providing the Services and fulfilling our obligations to you;

- 7.3.5 your advisers (including, but not limited to, accountants, lawyers, scheme administrators, scheme secretaries, investment managers, third party payroll providers, scheme actuaries, custodians, investment advisers, consultants, banks or other professional advisers) where authorised by you;
 - 7.3.6 UK and overseas regulators and authorities in connection with their duties (such as crime prevention);
 - 7.3.7 fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify your identity. We and fraud prevention agencies may also enable law enforcement agencies to access and use your information to detect, investigate and prevent crime. If fraud is detected, you could be refused certain services;
 - 7.3.8 anyone to whom we may transfer our rights and/or obligations under our Terms and Conditions with you;
 - 7.3.9 any other person or organisation after a restructure, sale or acquisition of any Smith & Williamson Group company, as long as that person uses your information for the same purposes as it was originally given to us or used by us (or both);
 - 7.3.10 insurance companies, product providers or other corporate benefit providers;
 - 7.3.11 to third parties who require the data in the provision of a pension scheme, in particular, an employer, trustees, scheme administrator, scheme lawyer, scheme auditor and scheme actuary; and
 - 7.3.12 Courts in relation to expert witness or tax investigations.
- 7.4 If we or a fraud prevention agency, determine that you pose a fraud or money laundering risk:
- (a) we may refuse to provide the services or finance you have requested, or we may stop providing existing services to you; and
 - (b) a record of any fraud or money laundering risk will be retained by the fraud prevention agencies and may result in others refusing to provide services, financing or employment to you.

8 Transferring your personal data outside the UK

- 8.1 Information about you in our possession may be transferred to other countries (which may include countries outside the EEA), such as jurisdictions in which and through which transactions are effected; jurisdictions where your business or investments are held; jurisdictions from which you regularly receive or transmit information about your business or investments; or jurisdictions where our third parties conduct their activities.
- 8.2 You understand and accept that these countries may have differing (and potentially less stringent) laws relating to the degree of confidentiality afforded to the information it holds and that such information can become subject to the laws and disclosure requirements of such countries, including disclosure to governmental bodies, regulatory agencies and private persons, as a result of applicable governmental or regulatory inquiry, court order or other similar process. In addition, a number of countries have agreements with other countries providing for exchange of information for law enforcement, tax and other purposes.
- 8.3 When we, or our permitted third parties, transfer information outside the European Economic Area, we or they will impose contractual obligations on the recipients of that data to protect such information to the standard required in the European Economic Area. We or they may also require the recipient to subscribe to international frameworks intended to enable secure data sharing. In the case of transfers by us, we may also transfer your information where:
 - 8.3.1 the transfer is to a country deemed to provide adequate protection of your information by the European Commission; or
 - 8.3.2 you have consented to the transfer.

If we transfer your information outside the European Economic Area in other circumstances (for example because we have to provide such information by law), we will put in place appropriate safeguards to ensure that your information remains adequately protected.

9 Your rights in relation to your personal data

- 9.1 You have a number of rights concerning the way that we use your information. You are responsible for ensuring that your Personnel and other relevant individuals are also aware of these rights. At any time, you and such individuals shall have the right:
 - 9.1.1 to be informed about the processing of your personal data (i.e. for what purposes, what types, to what recipients it is disclosed, storage periods, any third party sources from which it was obtained, confirmation of whether we undertake automated decision-making, including profiling, and the logic, significance and envisaged consequences);
 - 9.1.2 to request access to or a copy of any personal data we hold about you;
 - 9.1.3 to request the rectification of your personal data, if you consider that it is inaccurate;
 - 9.1.4 to request the erasure of your personal data, if you consider that we do not have the right to hold it;
 - 9.1.5 to object to your personal data being processed for a particular purpose or to request that we stop using your information;
 - 9.1.6 to request not to be subject to a decision based on automated processing and to have safeguards put in place if you are being profiled based on your personal data;
 - 9.1.7 to ask us to transfer a copy of your personal data to you or to another service provider or third party where technically feasible;
 - 9.1.8 to withdraw, at any time, any consent that you have previously given to us for our use of your personal data; or
 - 9.1.9 to ask us to stop or start sending you marketing messages at any time by using the below contact details.
 - 9.2 You may have a right of access to some, or all, of the information we hold about you or to have any inaccurate information corrected under the Data Protection Legislation. Any request for access to or a copy of your personal data must be in writing and we will endeavour to respond within a reasonable period and in any event within one month in compliance with Data Protection Legislation. We will comply with our legal obligations as regards any individual's rights as a data subject.
 - 9.3 We aim to ensure that the information we hold about you is accurate at all times. To assist us in ensuring that your information is up to date, do let us know if any of the personal details of you, your Personnel or other relevant individuals change by contacting us using the contact details below. We will correct any incorrect or incomplete information and will stop processing personal data, or erase it, where there is no legal reason for us to continue to hold or use that information.
- ## 10 Retaining your personal data
- 10.1 We will only keep the information we collect about you on our systems or with third parties for as long as required for the purposes set out above or as required to comply with any legal obligations to which we are subject. This will involve us regularly reviewing our files to check that information is accurate and up-to-date and still required.
 - 10.2 If you decide not to go ahead with the provision of the Services from us, we may still keep your information.
 - 10.3 We will normally destroy or erase data after seven years from the end of our agreement with you or as required by any applicable law. However, we may retain your information after you cease to be a client for longer than this, provided it is necessary for a legal, regulatory, fraud prevention or other legitimate business purpose.
- ## 11 Sending you marketing information
- 11.1 We and other members of the Smith & Williamson Group may use your information from time to time to inform you, by letter, telephone, email and other electronic methods, about similar products and services (including those of third parties) which may be of interest to you.
 - 11.2 You may, at any time, request that we and/or other members of the Smith & Williamson Group do not send such information to you by one, some or all channels, by contacting us in the way described in paragraph 12 below.

12 Contacting us

- 12.1 If you wish to exercise any of the rights relating to your information set out above, or if you have any questions or comments about privacy issues, or you wish to raise a complaint about how we are using your information, you can contact us in the following ways using the following details or any other details notified to you from time to time:
- 12.1.1 Write to Data Protection Officer at the registered and head office at 25 Moorgate, London, EC2R 6AY or dataprotectionofficer@smithandwilliamson.com.
 - 12.1.2 Call 0207 131 4000. Please note calls may be recorded or monitored for training purposes.
 - 12.1.3 Details of all our offices are available on the website.
- 12.2 If you have any concerns about our use of your information, you also have the right to make a complaint to the Information Commissioner's Office, which regulates and supervises the use of personal data in the UK, via their helpline on 0303 123 1113.
- 12.3 We may make changes to this FPN and how we use your information in the future. If we do this, we will post an updated version of this FPN on our website. You can find the current version of this FPN, which explains how we will use your information, by visiting our website at www.smithandwilliamson.com.

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