

Investment management and other related 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 Investment Management LLP and/or Smith & Williamson Investment Services Limited whose registered office is 25 Moorgate, London, EC2R 6AY (as applicable). See paragraph 15 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.

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

2 Processing your personal data

2.1 We shall collect, record and use information about you and your Investments 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.

This information will include your personal data, which means information that can be used to identify you; this may include but is not limited to the following types of personal information:

- (a) your contact information, such as your home address and contact details (including your mobile telephone number);=
- (b) your date of birth, marital/civil partnership status, details of dependants and next of kin;
- (c) your employment status;
- (d) your national insurance number;
- (e) other information about you that you disclose to us when completing your Account Application;
- (f) information about the way you use and manage your Account(s), such as the date, amount and currency of payments which are made to or from your Account.
- (g) information we obtain from you about the way you do business with us, such as when you use our telephone services, websites; when you write to us; when you apply for our products or services or enter into competitions or promotions; or any other time you contact us, including through social media; and
- (h) information from third parties, such as information that we obtain when verifying details supplied by you as part of your Account Application. This information obtained from other third party organisations or people may include other Smith & Williamson group companies, employers, joint account holders, credit reference agencies, employers, fraud prevention agencies or other similar organisations.

The personal data that we collect about you may also include special categories of personal data, such as information about your racial or ethnic origin, criminal or alleged criminal offences or your health and lifestyle. We will usually seek permission from you in writing to process these special categories of data.

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.

3 US Persons and the Internal Revenue Service

If you are or become a US Person you will inform us of the fact and complete all relevant forms, documentation and procedures on request, and supply your taxpayer identification number. If we have information which gives us reason to believe you are a US Person we will treat you as one. In accordance with our legal obligations we will supply information to the appropriate tax authorities about US Persons who are our clients. If those persons have not completed the relevant forms, documentation and procedures, please be aware that we may be obliged to account to the relevant tax authorities for withholding tax deducted from income and sale proceeds arising on US Persons’ US Investments as defined in the Glossary of these Terms and Conditions.

4 UK/EU nationals and HMRC

If you are a UK national or a national of another EU Member State or other prescribed territory and you are or become resident in the European Union outside the UK, you agree to inform us of the fact. We are obliged to supply information to HMRC when income is received for such residents.

5 Confidentiality and disclosures required by law and otherwise

You and we will at all times, before and after termination, respect and protect the confidentiality of information acquired in consequence of or relating to these Terms and Conditions except that we may disclose information if obliged to do so under any applicable legal or regulatory requirements including to HMRC and to any other revenue service or tax authority and we may, at our discretion, disclose information to any Associate, or as instructed by you.

6 Confidentiality towards third parties

Neither we nor any Associate will be obliged to use or to disclose to you information the use or disclosure of which would or might be a breach of a duty of confidence owed to another person.

7 Use of, and sharing of, your personal data to provide services to you

In order to enable us to provide our services to you and to meet our legal or regulatory obligations or for other reasonable business purposes (including quality control and administration), we may collect and use information about you, your Portfolio, Investments, Assets, Accounts, and transactions. We may disclose such information for these purposes among us and to other recipients or categories of recipients, including our Associates, our or their agents, counterparties and support service or data providers, wherever located, provided that such disclosure is reasonably required in connection with such purposes and is at all times in compliance with applicable Data Protection Legislation. You understand and accept that information about you and your Investments includes information about the beneficial owner(s) of your Portfolio or Accounts if it is a trust or other similar vehicle.

8 Purposes for using your personal data

We may also use your information to help us service your relationship with us and our Associates and for our and their reasonable commercial purposes, including:

- (a) 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. We may use credit reference agencies to do this, and they may record that a search has been made, results of such search (including the information that we provide) and share such results with other organisations;

- (b) to follow up with you after you request information to see if we can provide any further assistance;
 - (c) to comply with any requirement of any applicable statute, regulation, Rule and/or good practice, whether originating from the UK or elsewhere;
 - (d) to fulfil our obligations under any reporting agreement entered into with any tax authority or revenue service(s) from time to time;
 - (e) our efforts to prevent or detect abuse of our services or any of our rights, and to enforce or apply these Terms and Conditions and/or any other agreement and to protect our (or others') property or rights;
 - (f) 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;
 - (g) where you give us your consent to the use and/or processing involved; and
 - (h) 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.
- We may also use automated processes whenever we use your information

9 Legal bases for using your personal data

We have described the purposes for which we may use your personal data. We are permitted to process your personal data in this way in compliance with the Data Protection Legislation because either:

- (a) you have explicitly agreed to us processing your information for a specific reason;
- (b) the processing is necessary to perform the agreement we have with you or to take steps to enter into an agreement with you;
- (c) the processing is necessary for compliance with a legal obligation we have; and/or
- (d) the processing is necessary for the purposes of a legitimate interest pursued by us, which might be:
 - (i) to ensure that our client accounts are well-managed; (ii) to prevent fraud;
 - (iii) to protect our business interests;
 - (iv) to ensure that complaints are investigated;
 - (v) to evaluate, develop or improve our products; or
 - (vi) to keep our clients informed about relevant products and services, provided you have not informed us that you do not wish to be contacted. See more below.

In relation to any processing of special categories of personal data, we will generally rely on your specific consent in order to process such data. It may be necessary for us to use certain personal data (such as that relating to alleged offences) in order to comply with our legal obligations as a regulated entity. Where you have consented to our processing of your personal data (including special categories of personal data) you may withdraw your consent at any time, by contacting us (see below). Please note that in certain circumstances it may be still lawful for us to continue processing your personal data even where you have withdrawn your consent by relying on one of the legal bases described above.

10 Anti-money laundering and identity verification

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 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. We may not be able to provide any services to you should you fail to provide this information.

11 Providing third party information to us

If any personal data which you provide to us relates to any third party (such as a joint account holder 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 personal data in accordance with the above provisions.

12 Transfers of personal data outside the UK

Personal data in our possession may be transferred to other countries (which may include countries outside the EEA), such as: jurisdictions where Investments are held; jurisdictions in which and through which transactions are effected; jurisdictions from which you regularly receive or transmit information about your Investments and jurisdictions where underlying managers conduct their activities. You understand and accept that these countries may have differing (and potentially less stringent) laws relating to the degree of confidentiality afforded to client information and that 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. If we transfer your information outside the European Economic Area in other circumstances (for example because, by law, we have to reveal the information), we will make sure sharing that information is lawful.

13 Data security

We will take appropriate technical or organisational security measures against the accidental loss, destruction, damage and/or the unauthorised or unlawful use of your personal data. These will include ensuring that:

- (a) any support service provider provides sufficient security guarantees in relation to any data processing it undertakes on our behalf; and
- (b) an adequate level of protection is achieved in relation to any transfer of your personal data outside the EEA in each case as required by Data Protection Legislation.

14 Your rights in relation to your personal data

You have a number of rights concerning the way that we use your personal data.

You are entitled to:

- (a) request a description of the personal data which we hold about you.
- (b) request that we correct or erase any incorrect or incomplete information that we hold about you. We will correct any information that we believe is incorrect or incomplete.
- (c) request that we stop using your information. We will do so where there is no legal reason for us to continue to hold or use that information;
- (d) object to any automated decision making;
- (e) ask us to transfer a copy of certain information about you or to another service provider or third party where technically feasible;
- (f) withdraw, at any time, any consent that you have given to us for our use of your information; or
- (g) ask us to stop or start sending you marketing messages at any time by using the contact details in paragraph 15.

15 Contacting us

To exercise any of the rights relating to your personal data set out above, or if you have any questions or comments about privacy issues, or wish to raise a complaint about how we are using your personal data you can contact the data protection officer in the following ways:

- Write to Data Protection Officer at the registered and head office at 25 Moorgate, London, EC2R 6AY or dataprotectionofficer@smithandwilliamson.com.
- Call 0207 131 4000. Please note calls may be recorded or monitored for training purposes.
- Details of all our offices are available on the website.

16 Retaining your personal data

We will store the information we collect about you and your Account on our systems or with third parties, and the activities in this FPN may also involve the disclosure of their information to recipients in any country, which means that information may be transferred out of the EEA, but we will ensure the same level of protection as we are required to provide in the UK is applied to their personal data.

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 permitted for a legal, regulatory, fraud prevention or other legitimate business purpose.

May 2018

25 Moorgate, London EC2R 6AY
T: 020 7131 4000, F: 020 7131 4001

Smith & Williamson Investment Management LLP is a limited liability partnership incorporated in the United Kingdom with Company Register Number OC369632 whose registered office is at 25 Moorgate, London EC2R 6AY

Smith & Williamson Investment Services Limited is a company incorporated in the United Kingdom, with Company Register Number 00976145 whose registered office is at 25 Moorgate, London EC2R 6AY