Privacy notice in respect of formal insolvency appointments

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wilkin chapman rollits

A new perspective

1 Introduction

This notice only applies when Wilkin Chapman LLP trading as Wilkin Chapman Rollits's partners or staff have been appointed strictly in a personal capacity to act as the Officeholder in the insolvency of an individual or a company. These appointments are made under the Insolvency Act 1986 and other associated legislation. Wilkin Chapman LLP trading as Wilkin Chapman Rollits cannot itself be appointed an Officeholder.

As Officeholders are appointed in a personal capacity, they are the Data Controller in terms of the personal data they collect and process whilst formally acting as the Officeholder.

If you have any questions regarding this notice or the data that is held by the Officeholder, please direct your correspondence to the specific Officeholder, c/o Wilkin Chapman Rollits, Insolvency Department (DP), Cartergate House, 26 Chantry Lane, Grimsby DN31 2LJ.

In all other instances, the firm's "Client Privacy policy" applies and can be found at www.wilkinchapmanrollits.co.uk

2 What information will the Officeholder collect about you?

2.1 Personal data

The Officeholder has a statutory obligation when appointed to collate and store relevant information/records in terms of the insolvent entity or individual. This will include personal data. They will not collect or process any such data that they do not need to to carry out their duties as an appointed Officeholder.

The Officeholder will process your personal data to enable them to meet their statutory and regulatory obligations when acting in their capacity as Officeholder, as set out in the Insolvency Act 1986 and other legislation and regulation. In particular, the Officeholder will process your personal data as is required to enable them to administer the insolvent estate.

'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.

'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.

The personal data the Officeholder collects 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
- Occupation
- Personal identify documents, such a passport or driving licence
- Employment details
- Financial records and information
- Records of assets
- 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 Rights Act 1996
- Details of dividends distributed to creditors
- Information that may include details of offences, alleged offences, criminal proceedings, outcomes and sentences
- Voicemails from you

2.1 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 officeholder does not typically collect sensitive or special categories of personal data about individuals. When the Officeholder does need to process such data, the special categories of data the Officeholder may collect from you, or otherwise hold, for the purposes of carrying out their duties as an Officeholder may include:

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

In order for the Officeholder to process your special category data they need to establish a legal basis for doing so. They would not process your sensitive data unless:

- You gave them your explicit consent to do so
- It related to sensitive data which you had already made public
- The processing was necessary in order to protect your vital interests and you were physically or legally incapable of giving consent
- Where it is necessary for reasons of substantial public interest
- Where there is some other legal basis that allows them 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?

The Officeholder will process your data for one of the following purposes:

- Meeting their statutory and regulatory obligations when acting as an Officeholder, in particular providing professional advice and services to administer the estates of insolvent companies and individuals
- To obtain further information about you or a company you represent
- Fulfill any other compliance or legal obligation to which they are subject
- To comply with their legal and regulatory obligations in terms of countering money laundering, terrorist financing and other forms of financial crime

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

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

1. To enable them to comply with their statutory and regulatory obligations when acting as an Officeholder (legal obligation)
2. To fulfil their contractual obligations to you or to ensure your contractual obligations to them are met (contractual)
3. Where they(or a third party to whom you disclose it) have a legitimate interest in holding and using your information (legitimate interest)

In all cases the Officeholder will consider your interests, rights and freedoms.

5 Sharing and disclosing your information

The Officeholder may share personal data with trusted third parties. Data may be shared with Wilkin Chapman LLP and/or Wilkin Chapman Group Limited who provide support services to the Officeholder, particularly in terms of IT and telecommunications systems together with providing administrative support. Wilkin Chapman LLP may act as a data processor, or sub-processor as instructed by the Officeholder.

The Officeholder may share your personal data with other external recipients as and when is necessary to assist them with the administration of the insolvent estate. These may include but are not limited to:

- Professional advisors: Accountants, Solicitors, Barristers, Estate agents, Insurers
- Government and regulatory agencies (e.g. HMRC, the Insolvency Service), or to other third parties as required by, and in accordance with, applicable law or regulation
- Banks, building societies or other such financial institutions

All third party service providers are required to keep your personal information confidential and to use it only for specific purposes and in accordance with the Officeholder's instructions.

The Officeholder may use or share any of your personal data which you made public for purposes of communicating with you. They regard such processing of personal data as lawful processing as it is held on publicly accessible databases registers or lists and its use by them 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.

The Officeholder will not use, share or transfer any information that you provide to them, or they otherwise hold, other than as is required to fulfil their appointed role as Officeholder.

6 International transfers and the safeguards in place

We may transfer your personal data to service providers that carry out certain functions on our behalf. This may involve transferring personal data outside the UK to countries which have laws that do not provide the same level of data protection as the UK law.

Whenever we transfer your personal data out of the UK to service providers, we ensure a similar degree of protection is afforded to it by ensuring that the following safeguards are in place:

- We will only transfer your personal data to countries that have been deemed by the UK to provide an adequate level of protection for personal data
- We may use specific standard contractual terms approved for use in the UK which give the transferred personal data the same protection as it has in the UK, namely The International Data Transfer Addendum to the European Commission's standard contractual clauses for international data transfers

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the UK.

7 How long will your information be held?

The Officeholder 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 from ceasing to act, after which time it will be confidentially destroyed.

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

8 Automated decision making

The Officeholders do not use automated decision-making processes.

9 Your rights

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

- Know what personal data they hold about you
- Know with whom they have shared/or will share your personal data with
- Know how long they will store your personal data
- Object to the processing of your personal data
- Ask them to stop using/storing the information they hold about you where it is inaccurate, where they no longer need to use the information or where there is no lawful basis for them to continue to process it*
- Ask them to erase the information they hold about you (The right to be forgotten)
- Ask them 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 the appointed Officeholder at the following address:

c/o Wilkin Chapman Rollits
Insolvency Department (DP)
Cartergate House
26 Chantry Lane
Grimsby
DN31 2LJ

*The Officeholder will stop using/storing your information unless they can demonstrate why they have a statutory or regulatory obligation or other legitimate business interest which overrides your interests, rights and freedoms. It is important to note however that the Officeholder has a legal obligation to fulfil his duties under the insolvency legislation. As a result there may be instances where they are unable to comply with your requests in relation to the processing of your data.

10 Security of your information

The Officeholder will 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.

The Officeholder, in conjunction with Wilkin Chapman LLP trading as Wilkin Chapman Rollits, has implemented appropriate technical and organisational measures to protect the personal data that is held and processed. These include but are not limited to: a hardware firewall to prevent unauthorised access and anti-virus software, daily data back-ups, encryption of sensitive data, the use of encrypted emails, password protection and confidential shredding. Our staff have regular training on data protection and cyber awareness.

11 Your rights

If you are unhappy with the way in which your personal data has been processed you may in the first instance contact the specific Officeholder using the contact details above.

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

ICO Head Office
4th Floor, No.3 Circle Square
5 Hawkshaw Street
Manchester
M1 7BL

Email: www.ico.org.uk
The ICO helpline number is: 0303 123 1113

This Privacy Policy may be updated from time to time. The revised policy will be uploaded to the website.