

## Data Protection Statement

### Background

Your personal information is very important to us and we will endeavour to take due care to protect it. The way in which we will record, store, process and delete information about you is detailed below.

The General Data Protection Regulation ('GDPR') came into effect from 25 May 2018 and requires additional rights to be given to data subjects. We are required to set out your rights with respect to how we process your Personal data.

### Points of contact

Fiscal Engineers Limited is the controller of your personal information and we are responsible for your Personal data (collectively referred to as "we", "us" or "our" in this statement).

We do not have an appointed Data Protection Officer. The person with responsibility for data protection compliance will be our Chief Executive Officer, Anthony Hambleton.

In the event that you have any questions in respect of the information we hold about you, or how we process it, you should contact Anthony Hambleton, at the following address: Fiscal Engineers Limited, 22a The Ropewalk, Nottingham, NG1 5DT or by email at [anthony.hambleton@fiscalengineers.com](mailto:anthony.hambleton@fiscalengineers.com) or by telephoning 0115 955 5600.

You have the right to complain with respect to any processing of your Personal data, and any breach of the above rights to the relevant supervisory authority, who in the case of the United Kingdom is the Information Commissioner's Office, by means of their helpline (0303 123 1113) or online form at [www.ico.org.uk](http://www.ico.org.uk).

### Definition - Data Protection Law

The term 'Data Protection Law' means for the purposes of this agreement the Data Protection Act 2018 ('DPA') and any successor legislation to the GDPR or the DPA. This includes the Privacy and Electronic Communications (EC Directive) Regulations 2003 (or equivalent local regulations) together with all codes of practice and other guidance on the foregoing issued by any relevant Data Protection Authority, all as amended from time to time.

### Definition – Personal data

Personal data means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

### Definition - Special categories of Personal data

Special categories of Personal data means Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.



### How Personal data is to be collected

In the vast majority of instances, we will collect your Personal data via direct interaction with our clients. This may take the form of correspondence via post, phone, email, or through our client portal ('My Fiscal Hub') or otherwise and includes Personal data provided to us:

- during our initial discussions prior to obtaining instructions for our services; from our client
- during any discussions as to current or potential investments;
- during any meetings held to review our client's current or potential investments;
- in any forms completed by our client at our request;
- in response to any survey's or online questionnaire / promotions; and
- when providing any feedback as to the quality of our services.

### Information about connected individuals

We may need to gather personal information about your close family members and dependants in order to provide our service to you effectively. In such cases it will be your responsibility to ensure that you have the consent of the people concerned to pass their information on to us. We will provide a copy of this privacy notice for them or, where appropriate, ask you to pass a copy of this Data Protection Agreement to them.

### Your Rights

Where we collect your Personal data directly from you, at the time when we collect such data from you, and to the extent not already set out in this agreement or in any other written materials made available to you prior to our collecting data, we undertake:

- to make clear to you in writing the name and contact details of the data controller for that Personal data, and of their representative. For example, where we are managing investments on our client's behalf, the data controller in respect of those investments may be the financial institution in question;
- to let you have, where appropriate, contact details for any Data Protection Officer appointed by us from time to time, or of any person who acts as a data controller in relation to your Personal data;
- to make clear to you the purposes for which the Personal data is to be processed, and the legal basis for processing;
- to inform you, in the event that the legal basis relied on is the legitimate interests of the data controller or any third party and of the nature of those legitimate interests;
- to inform you of the categories of your Personal data;
- in the event that the controller proposes to transfer the Personal data to a country outside those covered by GDPR, details of the safeguards surrounding such transfer and how to obtain a copy of them.

In addition to the information which we will supply to you under the above paragraph, at the time when we collect Personal data from you, and to the extent not already set out in this agreement or in any other written materials made available to you prior to our collecting Personal data, we undertake:

- to inform you of the period for which we propose to hold the Personal data, or, where this is not possible, the criteria which we will apply to Personal data retention;
- to remind you of your rights to request access to data of which you are the data subject, and to object to processing of the same, and to obtain rectification of inaccurate Personal data of which you are the data subject and, to the extent set out in the DPA, erasure of the same.

We confirm that in any case where the legal basis for processing Personal data as made known to you is your consent, that consent may be withdrawn by you at any time by notice in writing to us, and in the event you give such notice to us, we will cease to process that Personal data as soon as reasonably practicable.



Where the legal basis for the processing of your Personal data is compliance with a statutory or contractual obligation, or the necessary precondition to entering into a contract, including compliance with the requirements of any regulator, we agree to inform you in reasonable detail:

- whether you are legally required to provide such Personal data; and
- the consequences of failing to provide such Personal data.

We agree that we will not subject you to automated decision making (including profiling) by use of your Personal data, save as permitted by Data Processing Law and in accordance with appropriate measures to protect your rights and freedoms. In any case of automated decision making (including profiling) we will on your request inform you that this is the case and inform you of the logic involved, the significance of the processing and the envisaged consequences for you of this automated decision making.

Where we obtain your Personal data otherwise than directly from you, you will have the same or equivalent rights to those set out above, subject as set out below.

Save in the circumstances provided below, we will inform you which source the Personal data originated from and whether it came from publicly accessible sources.

The information to be provided will be provided in accordance with the following time periods, whichever shall first occur;

- as soon as practicable after obtaining the Personal data, and in any event within one month;
- at the time of first communication with you using the Personal data;
- when the Personal data is first disclosed to another person.

We shall not be obliged to provide you with this information:

- where you already have this information;
- where we are subject to an obligation of professional secrecy prohibiting the disclosure of the information;
- where disclosure would render impossible or severely impair the achievement of the reasons for which the Personal data is to be processed, but in such cases we will do what we can to protect your rights and freedoms with respect to our processing of the Personal data.

### Your rights with respect to your Personal data

You have the following rights with respect to your Personal data:

- a right of access to a copy of the information comprised in the Personal data held by us in relation to you. You may contact our Chief Executive Officer (Anthony Hambleton) to make such a request. His contact details are set out on the first page of this agreement;
- a right to object to processing that is likely to cause or is causing damage or distress;
- a right to prevent processing for direct marketing;
- a right to object to decisions being taken by automated means and to have the logic behind these decisions explained;
- a right in certain circumstances to have inaccurate Personal data rectified, blocked, erased or destroyed. **It is important that the Personal data we hold about you is accurate and current. Please keep us informed if your Personal data changes during your relationship with us;** and
- a right to claim compensation for damages caused by a breach of Data Protection Law.

You will not have to pay a fee to access your Personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.



We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal data (or to exercise any of your other rights). This is a security measure to ensure that Personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

### Data we collect about you

Personal data, or information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of Personal data about you which we have grouped together as follows:

- **Identity Data** - includes full name, marital status, title, date of birth and gender;
- **Contact Data** - includes residential address, work address, email addresses and telephone numbers;
- **Financial Data** - includes bank account details, tax identification numbers, income tax returns, investment details including quantities of investments purchased, held and disposed of, gifts made and received, insurance details, income and expenditure details and beneficial interest in trusts;
- **Family Data** - includes any information you provide in relation to any or all of your family members.

### The legal basis for the collection and processing of your Personal data

The legal bases for the collection and processing of your Personal data include:

- compliance with a contractual obligation, or the necessary precondition to entering into a contract;
- compliance with the requirements of any regulator or legal obligation;
- for the legitimate purpose of providing you or a member of your family who is a client with the most appropriate financial advice including in relation to the financial health of your immediate family as a whole where instructed; and
- your explicit consent provided in respect of any special category personal data you have provided to us (i.e. information pertaining to your health or religious or political beliefs). You may withdraw this consent at any time. However this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent we may not be able to provide certain products or services to you, or a member of your family who is our client.

We collect and record Personal data about you in order to be able to give you appropriate financial advice, and to enable us to comply with regulatory requirements, for example to:

- provide services to our clients pursuant to this agreement including but not limited to advising our clients with respect to available financial products and investments and carrying out reviews and updates of your portfolio and our services to our clients, to reflect changing personal circumstances and current market information and analysis;
- allow efficient management of your portfolio through the use of My Fiscal Hub;
- comply with relevant Know Your Client obligations and other requirements imposed by the Regulator in the interests of combatting fraud, money-laundering and other criminal activities;
- respond to proper legal requests for information from the Regulator or pursuant to an order of any court or tribunal having relevant jurisdiction;
- comply with the requirements of the Regulator in respect of our professional business conduct, including where so required participating in audits and reviews conducted by



- or on behalf of the Regulator and maintaining records of transaction and customer histories in the format and for the periods prescribed from time to time by the Regulator;
- carrying out our own business and professional management, including but not limited to maintaining adequate records of our activities so that we are able to fully to respond to your queries, investigate and resolve complaints, prepare our statutory accounts and complete our tax returns and deal with any queries arising from them;
- in the event of any legal proceedings in which you or we may be involved, investigate the basis for any claims and our or your position with respect to them, obtain legal advice, and defend, pursue or settle such legal proceedings to the best of our ability, including complying with relevant directions with respect to evidence and the production of the services we provide including advice upon long term investments such as pension portfolios and assurance-based products with long maturation periods. Accordingly, during the pre-maturation term of such long-term investments we may need to process your Personal data as required by Regulators, relevant third parties or in accordance with good professional practice to advise you with respect to any issues arising since the date you entered into such long-term investments which may be relevant to the value or effectiveness of such long-term investments.

You are not legally required to provide your Personal data for the stated purposes. If you do not provide us with such Personal data, we may consider that it would be inappropriate for us to provide our services to our client or to continue to do so.

We will only use your Personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact Anthony Hambleton (using the details set out in the 'Points of contact' section of this Policy statement).

If we need to use your Personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

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

### Special category data

In order to provide you, or a member of your family, with the most appropriate financial advice for our client's specific requirements, it may be necessary for us to ask you for pieces of information which are regarded as highly sensitive Personal data. This includes information pertaining to you or your child's:

- health;
- ethnicity;
- religious or philosophical beliefs;
- sexual orientation;
- political opinions;
- trade union membership;
- genetic information; and/or
- biometric data.

We will restrict the content of information you, or a member of your family, provide to us relating to the above subject matters to the absolute minimum we require in order to provide our clients with the highest standard of service we can provide. At this time the only piece of 'Special category data' likely to be of relevance to our client arrangements with us will be in relation to the health of you and your children or other family members. Such information will allow us to tailor our service to ensure our client is provided with the best advice possible.

In circumstances where we require information relating to the 'Special categories of data' we will be required to satisfy a further condition in addition to having a legal basis on which to process such data.



It is our view that where we process such 'Special category data', it should be with your explicit consent regarding your 'Special category data' and the 'Special category data' of your children provided to us by you. Therefore, by signing this agreement you confirm that we have your explicit consent to process such 'Special category data' in accordance with the above information.

Please note that you may withdraw your consent to our processing of any 'Special category data' we hold relating to you or your children at any time by contacting us using the contact details set out at the start of this agreement. Should you withdraw your consent, we will cease processing such information immediately. However, please be aware that this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you have withdrawn your consent, we may no longer be able to provide you with certain products or services. Where this is the case we will notify you of this at the time you withdraw your consent.

#### Processing of your Personal data by third parties

Please be aware that some services are provided to our client and to Fiscal Engineers Limited, such as processing application forms, by third parties. We make use of retained consultants who review our files, which may include your Personal data. These consultants help us to ensure that our advice, and the way we document our advice, is compliant with our own policies and with regulatory requirements. We may also consider it necessary to consult with insurers and/or legal advisers and this may necessitate the disclosure to them of Personal data about you. By signing this agreement with us, you agree that Personal data held by Fiscal Engineers Limited may be disclosed on a confidential basis to any such third parties.

Product providers, lenders, investment managers and third party administrators may administer our client's policies with them, any existing policies you may have with them and provide other services, from centres in countries outside Europe (such as India and the USA) that do not always have the same standard of Data Protection Law as the UK. However, they are required to ensure that your information is adequately protected and they will remain bound by their obligations under the GDPR even when your Personal data is processed outside Europe.

Our client portal, My Fiscal Hub is provided by and operated on our behalf by Moneyinfo Limited. Moneyinfo Limited is a company registered in England which is subject to Data Protection Law.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes (other than for their internal purpose of providing and improving their service and for creating aggregated data which does not include your personal identity, to the extent permitted by Data Protection Law) and only permit them to process your personal data for specified purposes and in accordance with our instructions.



You are entitled to choose how and when your Personal data is used. We will communicate with you throughout the course of our service to our client. However, you may indicate your preference as to whether your Personal data is processed and/or disclosed and in respect of the frequency, subject matter and format of how your Personal data is communicated. Should you wish to indicate your preference in respect of the above matters, please inform your direct contact in the first instance. Should you have any concerns as to how your Personal data is being processed and/or communicated, please contact Anthony Hambleton using the details set out in the 'Points of contact' section of this agreement.

### Data Retention

We will comply with Data Protection Law with respect to your Personal data and, in particular, will review your data on a regular and frequent basis to ensure compliance with Data Protection Law, including, but not limited to, putting into effect any deletion or correction of erroneous Personal data requested by you.

In the course of any review we will:

- delete any Personal data which is trivial or transitory in nature, or which in our opinion is no longer required to be retained for the purposes set out above;
- update the Personal data to ensure that any errors or inaccuracies in the Personal data are corrected; and
- subject to the Personal data retention periods set out below, securely delete Personal data once the legal basis for processing that data has come to an end.

We may retain and process your Personal data for the following periods, and if more than one period applies to such data, to the last such period to expire:

- we will hold agreements (including all appendices and schedules to the same) and notes made by us in the course of advising our clients, regarding such agreements (which may include your Personal data) between our client and us for a period of ten years from the termination or expiry of the agreement in the case of agreements under hand, and for a period of twelve years from the termination or expiry of the agreement in the case of agreements which have been executed as a deed, unless we have been notified of any claim or threatened claim under or by reference to such agreements, in which case we will hold them until the expiry of the period set out in the clause relevant to legal proceedings set out below;
- we will process and hold Personal data gathered by us for the purposes of money laundering checks and procedures for the full period of the term in which we are carrying out advice in respect of investments, and will continue to hold such data for a period of not less than ten years following our ceasing to provide services to our client in relation to investments. In the case of long-term investments we may hold and process such data until the date of maturation of such long-term investments.
- we will process Personal data related to investments for which we are advising our client during the full period of the term in which we are carrying out advice in respect of those investments, and will continue to hold such data for a period of not less than ten years following our ceasing to provide services to our client in relation to those investments. In the case of long-term investments we may process your Personal data until ten years after the date of maturation of such long-term investments.
- we will hold Personal data required to be held for the purposes of any Regulator until the end of any limitation period imposed by the Regulator, which in the case of the Financial Conduct Authority is currently five years for investments, three years for insurance and indefinitely for pension transfers;
- we will hold Personal data required to be held for the purposes of any relevant third party until the end of any period required by the relevant third party, which in the case of data required to be held by HMRC shall be seven years, unless we are notified that any period is considered "open" by HMRC in which case it will be until we are notified that period is "closed";



- We will hold Personal data held for the purposes of any legal proceedings for a period of ten years following the conclusion of any proceedings unless a longer period is required pursuant to any court rule or enactment. Proceedings will be taken to have concluded on the expiry of any period given for appealing any final judgment or on the date of concluding any settlement staying all relevant claims if the proceedings were settled before judgement.

### Data Security

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 employees, agents, contractors and other third parties who have a business need to know. They will only process your Personal data on our instructions and they are subject to a duty of confidentiality.

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

### Data Portability

On termination or expiry of any agreement to provide services with our client, on your written request, and subject to our right to retain copies of Personal data for the purposes set out above, we agree to return to you any Personal data you have provided to us in a structured, commonly used machine readable format or transmit the Personal data to a new data controller nominated by you.

### Verification of Identity

We are required by the Money Laundering Regulations to verify the identity of our clients, to obtain information as to the purpose and nature of the business which we conduct on their behalf, and to ensure that the information we hold is up to date. For this purpose, we may use electronic identity verification systems similar to those used for credit checks and we may conduct these checks from time to time throughout our relationship, not just at the beginning. Although such checks will leave a footprint on your credit record, they will not affect your credit score. By signing your Data Protection Agreement with us you are giving us permission to carry out these checks.

### Information on our website

At certain times we are required to provide our client with standard information sheets about the products and investments we recommend to our client. The documents include those known as Key Features Documents (KFDs), Supplementary Information Documents (SIDs), Key Investor Information Documents (KIIDs) and Key Information Documents (KIDs).

We need the express permission of our clients to allow us to put this information on our website, [www.fiscalengineers.com](http://www.fiscalengineers.com), rather than send you a paper copy. By signing this document (where you are a client) you give us your permission to do this. You can revoke this permission at any time by contacting us as described in the section 'Points of contact' above.

### Severance

If any provision (or part of a provision) of this agreement is found by any court or administrative body of competent jurisdiction to be invalid, unenforceable or illegal, the other provisions shall remain in force. If any invalid, unenforceable or illegal provision would be valid, enforceable or legal if some part of it were deleted, the provision shall apply with whatever modification is necessary to give effect to the commercial intention of the parties.

In the event of any change in Data Protection Law occurring after the date of this agreement which require the adoption of revised provisions dealing with data retention or portability, the parties will use all reasonable endeavours to agree such consequential changes to this agreement as may reasonably



be required to comply with the requirements of Data Protection Law and incorporate the same as an amendment to this agreement.

#### Complaints Procedure

In the event that you have any questions or a complaint in respect of the information we hold about you, or how we process it, you should contact Anthony Hambleton, at the following address: Fiscal Engineers Limited, 22a The Ropewalk, Nottingham, NG1 5DT or by email at [anthony.hambleton@fiscalengineers.com](mailto:anthony.hambleton@fiscalengineers.com) or by telephoning 0115 955 5600.

You have the right to complain with respect to any processing of your Personal data, and any breach of the above rights to the relevant supervisory authority, who in the case of the United Kingdom is the Information Commissioner's Office, by means of their helpline (0303 123 1113) or online form at [www.ico.org.uk](http://www.ico.org.uk).