

Strand Capital Limited - In Special Administration

Smith & Williamson LLP's GDPR Fair Processing Notice

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Fair Processing Notice - Restructuring and Recovery Services ("RRS")

1 Using your Information

1.1 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.

1.2 This Fair Processing Notice ("FPN") is issued on behalf of Smith & Williamson which is the trading name of a number of entities including Smith & Williamson LLP and, where applicable, one or more members of our specialist restructuring team comprising licensed insolvency practitioners taking appointments as formal office holders.

1.3 Where we refer to "Smith & Williamson", "we", "us", or "our" in this FPN, we are accordingly referring, as applicable, to the relevant legal entity or individual insolvency practitioner in the Smith & Williamson group that is responsible for processing your information in its capacity as a controller for the purposes of compliance with Data Protection Legislation. Smith & Williamson's appointment-taking insolvency practitioners are each licensed as insolvency practitioners in the UK by the Institute of Chartered Accountants in England & Wales and you will be informed separately of their specific appointment.

1.4 References to "you" and "your" are references to, as applicable, (i) a company (being either a client, or potential client of Smith & Williamson) receiving restructuring and recovery services or an employee, officer, director, agent, contractor or consultant ("Personnel") or other relevant individual of that company; or (ii) a creditor, debtor, member, consumer, member of Personnel or other relevant individual of an insolvent company, an insolvent individual or a solvent company in respect of which a Smith & Williamson insolvency practitioner has been formally appointed.





2 Processing your personal data

- 2.1 In connection with the provision of restructuring and recovery services (“RRS”) we may collect or otherwise come into possession of information about you in physical and electronic form. We will hold, use and otherwise process the data in accordance with the Data Protection Legislation and as set out in this FPN.
- 2.2 If you are a company receiving RRS you are responsible for ensuring that your Personnel or other relevant individuals, as applicable, are aware of this FPN and the provisions of such FPN are clearly communicated to them.
- 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 operation or set of operations 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 employment status;
 - 2.4.3 information about an individual’s professional qualifications;
 - 2.4.4 pay records and national insurance number;
 - 2.4.5 other information about an individual that you or they disclose to us when communicating with us;
 - 2.4.6 details of any complaints or concerns raised;
 - 2.4.7 information we collect from the way we interact when providing RRS to you, such as or when you use our telephone services, websites or mobile application (for more information on our use of cookies on our website or mobile applications, go to <http://smithandwilliamson.com/en/footer-pages/cookie-statement>);
 - 2.4.8 information we collect when you, or other relevant individuals otherwise communicate with us; and





2.4.9 information we obtain from third parties, such as information that we obtain when verifying details supplied by you or otherwise obtained in connection with our formal appointment. 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.

2.5 Some of the information that we process about you, may include special categories of personal data (such as health records or 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 rights in relation to your information) the consequences are that we may be prevented from providing RRS or fulfilling our obligations to you.

3 Providing third party information to us

If any information which you provide to us relates to any third party, 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 (as applicable) to provide RRS and other services to you and in order to meet our legal or regulatory obligations. Specific purposes may include, where applicable to the specific RRS being provided:

4.1.1 to liaise with creditors and regulators;

4.1.2 to deal with insolvency paperwork on your behalf, adapting proposals and sharing previously undisclosed information;

4.1.3 to provide advice and recommendations to our clients lenders and other financial stakeholders;

4.1.4 to investigate potential fraudulent trading, wrongful trading, misfeasance, preference, transactions at an under-value, unpaid capital recovery of voidable dispositions and unlawful dividends;

4.1.5 to supply interim management; provide chief restructuring officers, new board appointments or other interim management;

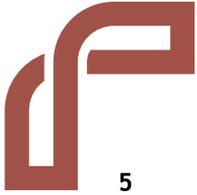
4.1.6 to adjudicate claims against the company/debtor;





- 4.1.7 to send notices to stakeholders as required by statute;
 - 4.1.8 to process and assist government departments with claims under the Employment Relations Act 1999;
 - 4.1.9 to investigate and assist government departments with requirements under the Company Directors' Disqualification Act 1986 (as amended);
 - 4.1.10 to process and collect any debts owed to the company/debtor subject to formal insolvency proceedings;
 - 4.1.11 to provide HMRC with the relevant information to process taxation claims against the company/debtor; and
 - 4.1.12 to enable us to act as your authorised representative, if you are a creditor of the company/debtor subject to formal insolvency.
- 4.2 In addition, some of your personal information may be used by us for other business purposes. Examples of the types of uses of such personal data are set out below.
- 4.2.1 to confirm your or their 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;
 - 4.2.2 to follow up with you after you request information to see if we can provide any further assistance;
 - 4.2.3 to comply with any requirement of any applicable statute, regulation, rule and/or good practice, whether originating from the UK or elsewhere;
 - 4.2.4 to fulfil our obligations under any reporting agreement entered into with any tax authority or revenue service(s) from time to time;
 - 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 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; and





4.2.10 if instructed to do so by you or where you or they give us your consent to the use and/or processing involved.

5 Automated processing

5.1 When we use your information, we may use automated processes.

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 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 your information. 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;

6.1.3 the processing is necessary for compliance with a legal 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 RRS we provide are well-managed;

(b) to prevent fraud;

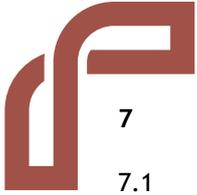
(c) to protect our business interests;

(d) to ensure that complaints are investigated;

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).

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 our clients' needs to the best of our ability, we may disclose your information to other recipients or categories of recipients, including our staff, Associates within the Smith & Williamson Group, 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 include:
- 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 to HMRC, if obliged to do so under any applicable legal or regulatory requirements;
 - 7.3.3 successive appointed insolvency practitioners (IPs) in connection with their duties in providing RRS to you;
 - 7.3.4 debtors, creditors and other financial stakeholders, landlords or tenants if necessary for the purpose of providing RRS and fulfilling our obligations to you;
 - 7.3.5 independent accounting and consulting firms through our membership of Nexia International, if necessary for the purpose of providing RRS and fulfilling our obligations to you;
 - 7.3.6 your advisers (including, but not limited to, accountants, lawyers or other professional advisers) where authorised by you;
 - 7.3.7 UK and overseas regulators and authorities in connection with their duties (such as crime prevention);
 - 7.3.8 the regulatory body for all licensed insolvency practitioners within RRS (at present, the Institute of Chartered Accountants in England & Wales);
 - 7.3.9 any compliance agency instructed to review our files where appointed formally on insolvency matters;





- 7.3.10 any regulatory body or compliance agent with access to the files relating to the insolvency appointment, including 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;
 - 7.3.11 anyone to whom we may transfer our rights and/or obligations; and
 - 7.3.12 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).
- 7.4 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 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, or other relevant individuals 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 is held; jurisdictions from which you regularly receive or transmit information about your business; 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.

9.2 At any time, you have the right:

- 9.2.1 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);
- 9.2.2 to request access to or a copy of any personal data we hold about you;
- 9.2.3 to request the rectification of your personal data, if you consider that it is inaccurate;
- 9.2.4 to request the erasure of your personal data, if you consider that we do not have the right to hold it;
- 9.2.5 to object to your personal data being processed for a particular purpose or to request that we stop using your information;
- 9.2.6 to request not to be subject to a decision based on automated processing and to have safeguards put in place if they are being profiled based on your personal data;
- 9.2.7 to ask us to transfer a copy of your personal data to you or to another service provider or third party where technically feasible; or
- 9.2.8 to withdraw, at any time, any consent that you have previously given to us for our use of your personal data.

9.3 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.





- 9.4 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, 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 We will normally destroy or erase data seven years after the end of our agreement with you or, where applicable, six years after the dissolution of the insolvent company or the last office holder being released. However, we may retain your information for longer than this, provided it is necessary for a legal, regulatory, fraud prevention or other legitimate business purpose.

11 Contacting us

- 11.1 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:
- 11.1.1 Contact the appointed insolvency practitioner using the details separately provided to you in connection with their appointment; or
- 11.1.2 Write to our Head of Legal, by writing to 25 Moorgate, London EC2R 6AY or by telephone on 020 7131 4000;
- 11.2 If you have any concerns about our use of your or their information, you and they 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.
- 11.3 We may make changes to this FPN and how we use your information in the future. If we do this, we'll post an updated version of this FPN on our website. You can find the current version of this FPN, which explains how we'll use your information, by visiting our website at www.smithandwilliamson.com/rmsgdpr

