

General Data Protection Regulation (GDPR) Data Protection Policy

Allen Tomas &^{CO}
FINANCIAL MANAGEMENT



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Allen Tomas & Co Financial Management Ltd is registered in England and Wales with number 8864562 and is authorised and regulated by the Financial Conduct Authority with Financial Services Register number 630427

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Section One – What is General Data Protection Regulation

General Data Protection Regulation (GDPR) was adopted by the EU Council and Parliament in April 2016 to standardise data protection across the EU and improve the flow of information. As a regulation, it ensures greater consistency as additional laws or interpretation by each member state are not required.

The GDPR also addresses modern day data protection requirements, applies to an increased scope and provides more detailed definitions of what constitutes personal data, among other things.

The GDPR takes effect on May 2018, replacing existing EU and national data protection legislation.

Section Two – Who we are

For the purpose of the General Data Protection Regulation, the “data subject” is you the client. **Allen Tomas & Co Financial Management Ltd** is both the “data controller” and the “data processor”.

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***Data subject** is a living natural person to whom personal data relates*

***Data Controller** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data*

***Data Processor** means a natural or legal person, public authority, agency or any other body which processes personal data on behalf of the controller.*

Section Three – Information we may collect from you

All processing of personal data must be done in accordance with the data protection principles of the Regulation, and the firm’s policies and procedures are designed to ensure compliance with them.

Personal data must be processed lawfully, fairly and transparently, **Allen Tomas & Co Financial Management Ltd.’s** Fair Processing Procedure is set out in a separate document and can be obtained upon request.

GDPR introduces the requirement for transparency whereby the controller has transparent and easily accessible policies relating to the processing of personal data and the exercise of individuals’ “rights and freedoms”.

Where the firm provides online services to children, parental, or custodial authorisation must be obtained. This requirement applies to children under the age of 18.

We may collect and process the following personal data about you which will only be collected for legitimate and specified reasons, which is necessary for processing:

What is Personal Data?

Under the EU's General Data Protection Regulation, Personal Data is defined as

“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”.

Special Categories of Personal Data

Certain data is classified under the Regulation as “special categories”:

- Racial
- Ethnic origin
- Political Opinions
- Religious Beliefs
- Trade-union membership
- Genetic Data
- Biometric Data
- Health Data
- Data concerning a natural person's sex life
- Sexual orientation
- Other

Consent is required for **Allen Tomas & Co Financial Management Ltd** to process both types of personal data, but it must be explicitly given. Where we are asking you for sensitive personal data we will always tell you why and how the information will be used.

Information you give us

You may give us personal information by filling in forms or by corresponding with us via phone, e-mail or post. This includes information you provide when, for example, we complete a Fact-Find or Annual Review questionnaire. The information you give us may include your name, address, e-mail address, phone number, financial and credit card information and any further personal data required as part of our fact-finding research which you willingly share.

Information we receive from other sources

Upon receipt of a Letter of Authority from yourself, we may receive information about you from other providers. In this case we will have informed you when we collected that data that it may be shared internally and, combined with data collected via a fact-find or annual review questionnaire. We are also working closely with third parties including,

for example, analytics providers and search information providers, and may receive information about you from them.

Accuracy and storing of data.

We will only keep your data in an identifiable form for as long as necessary for its intended purposes. **Allen Tomas & Co Financial Management Ltd** have a Data Retention Policy that identifies when records may be destroyed and a systematic way of doing so. Please note that personal data may, be stored for longer periods for legal requirements (such as tax or potential legal litigations).

Section Four – Uses made of your personal information

We (or third-party processors acting on our behalf) may use information held about you:

- ▶ to carry out our obligations arising from any contracts entered between you and us and to provide you with the information and services that you request from us;
- ▶ where you have given us your consent to provide you with information about **Allen Tomas & Co Financial Management Ltd** services or current news, in which we feel may interest you. Details of how you may opt out of such communications from us are set out in these communications;
- ▶ to notify you about changes to our services;
- ▶ for internal operations, data analysis and research purposes;

Section Five – Disclosure of your information

We may share your information with selected third parties including but not limited to:

- ▶ Suppliers, Life Offices and from time to time instruct sub-contractors (in the form of external paraplanners) for the performance of any contract we enter with them or you.
- ▶ Analytics and product providers that assist us in the verification of you the data subject, research (including quotes/illustrations) and recommendation of products/solutions made to you.

We will not disclose, sell or rent your personal information to any third parties unless you have consented to this, except: (i) to the extent that we are required to do so by applicable law, by a governmental body or by a law enforcement agency, or for crime prevention purposes (including fraud protection and credit risk reduction); (ii) in connection with any legal proceedings (including prospective legal proceedings); (iii) in order to establish or defend our legal rights; (iv) in the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets; or (v) if we, or substantially all of our assets, are acquired by a third party, we may disclose your personal data to that third party in connection with the acquisition.

The GDPR permits certain disclosures without consent so long as the information is requested for one or more of the following purposes:

- ▶ to safeguard national security;
- ▶ prevention or detection of crime including the apprehension or prosecution of offenders;
- ▶ assessment or collection of tax duty;
- ▶ discharge of regulatory functions (includes health, safety and welfare of persons at work);
- ▶ to prevent serious harm to a third party;
- ▶ to protect the vital interests of the individual, this refers to life and death situations.

All requests to provide data for one of these reasons must be supported by appropriate paperwork and all such disclosures must be specifically authorised.

Section Six – Consent

Allen Tomas & Co Financial Management Ltd understands ‘consent’ to mean that it has been explicitly and freely given, specific, informed and unambiguous indication of you, the “data subject’s” wishes by which you by statement, or by a clear affirmative action, signifies agreement to the processing of personal data relating to yourself. Your consent can be withdrawn at any time.

Allen Tomas & Co Financial Management Ltd understands ‘consent’ to mean that you, the “data subject” has been fully informed of the intended processing and has signified your agreement, while in a fit state of mind to do so and without pressure being exerted. Consent obtained under duress or on the basis of misleading information will not be a valid basis for processing.

Consent cannot be inferred from non-response to a communication, so we would appreciate it if the Disclosure Consent is completed, signed and returned. For sensitive data, explicit written consent of you, the “data subject” must be obtained unless an alternative legitimate basis for processing exists.

In most instances, consent to process personal and sensitive data is obtained routinely by **Allen Tomas & Co Financial Management Ltd** using standard consent documents.

Section Seven – Where we store your information

The data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area (‘EEA’) in connection with the above purposes. It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers. Such staff may be engaged in the provision of support services.

By submitting your personal data, you agree to this transfer, storing or processing. Please be aware that countries which are outside the EEA may not offer the same level of data protection as the United Kingdom, although we will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this privacy policy.

Section Eight – Security

Allen Tomas & Co Financial Management Ltd is responsible for transmitting the data without hindrance and ensures that it is transmitted with the appropriate level of security. The firm will assess the specific risks linked with data portability and take appropriate risk mitigation measures.

The nominated person of the firm is responsible for the application and effective working of this procedure, and for reporting performance to the Board/Principals.

All information you provide to us is stored securely via the following mediums:

- ▶ in a lockable room with controlled access; and/or
- ▶ in a locked drawer or filing cabinet; and/or
- ▶ if computerised, password protected in line with corporate requirements in the Access Control Policy; and/or
- ▶ Stored on (removable) computer media, which are encrypted.

Where you have chosen a password, which enables you to access certain parts of the Intelliflo Personal Finance Portal (PFP) website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Whilst we take appropriate technical and organisational measures to safeguard the personal information that you provide to us, no transmission of information via the internet is completely secure. We cannot guarantee the security of your data transmitted to us; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

Section Nine – Third Party Sites

The Personal Finance Portal (PFP) website will have its own Privacy Policy and you should take a moment to review this via the website.

Virtual Cabinet is used by **Allen Tomas & Co Financial Management Ltd** to scan and store documents such as Notes, Risk Questionnaires, Payslips/P60s, tax code forms etc.

Their Privacy Policy can be viewed via <https://www.virtualcabinet.com/legal/privacy-policy-uk>

Section Ten – Your Rights

Since GDPR you have more control over your data and subsequently have certain data protection rights that, if infringed, allow you to take legal action against Data Controllers and Data Processors and seek compensation for damages.

You have the right to:

- ▶ **Be informed** – understand how we intend to use your data which is indicated above
- ▶ **Rectification** – request that any personal data held is rectified if it's found to be inaccurate or incomplete. **Allen Tomas & Co Financial Management Ltd** must comply with this request within a month of receipt.
- ▶ **Restrict Processing** – contest the accuracy of the personal data held until accuracy can be verified, legitimacy can be determined or request that processing be restricted rather than erased. You can also request that we stop processing your data if you require it for a legal claim.
- ▶ **Object** – object to the processing of your data at the time of collection. Please note that **Allen Tomas & Co Financial Management Ltd** can continue with the processing, if we demonstrate legitimate reasons for processing or for a legal claim.
- ▶ **Automated decision-making and profiling** – obtain human intervention if a decision was automated to your detriment, express your point of view if a damaging decision was made and obtain an explanation of the decision and challenge it.
- ▶ **Access** – you can access your personal data by requesting a Subject Access Request to **Allen Tomas & Co Financial Management Ltd** who are required to respond within a month.
- ▶ **Erasure (right to be forgotten)** – you can request that your personal data is deleted or removed if it's **no longer needed**, your consent is withdrawn, you object to it being processed, it's been unlawfully processed or must be erased to comply with a legal obligation. In certain circumstances we may refuse such a request, please see record keeping section below.
- ▶ **Right to data portability** – you can request a copy of your personal data **Allen Tomas & Co Financial Management Ltd** hold. You may also request that this data be sent to another data controller. We will request that you, the “data subject”, provide evidence of your identity in the form of current Passport or Driving License and either a recent bank statement or utility bill dated within the last 3 months. **Allen Tomas & Co Financial Management Ltd** also use software to perform money laundering and sanction checks where your data will be used to verify you.

Where the data requested concerns a third party/parties, the nominated person reviews whether transmitting data to another data controller would cause harm to the rights and freedoms of other data subjects.

You, the “data subject” must make it clear that the personal data that is to be transmitted or provided is for their own use.

The person responsible within **Allen Tomas & Co Financial Management Ltd** will maintain a record of requests for data and of its receipt, including dates.

Allen Tomas & Co Financial Management Ltd has set safeguards that ensure the personal data transmitted are only those that you the “data subject” has requested to be transmitted.

The requested information will be provided to you, the “data subject” in a structured, commonly used and machine-readable format that allows for the effective re-use of the data.

When transmitting data to another data controller, **Allen Tomas & Co Financial Management Ltd** will forward the data in an interoperable format. In the event that technical impediments prohibit direct transmission, **Allen Tomas & Co Financial Management Ltd** will explain these impediments to you, the “data subject(s)”.

Allen Tomas & Co Financial Management Ltd will provide the requested information within one month from the request date. If the request is complex, **Allen Tomas & Co Financial Management Ltd** can extend this period to (maximum) three months if they inform you, the “data subject” of the reasons for the delay via email within one month of the original request. The request does not affect the original retention period that applies to the data that has been transmitted.

Section Eleven – Your Responsibility to us

Whilst **Allen Tomas & Co Financial Management Ltd** will take all appropriate action to keep your data up to date, it is your responsibility to let us know as soon as possible, if there are any changes to your personal circumstances i.e. change of address, updated employment etc. You can do this by email, phone, post or SMS.

Section Twelve – Record Keeping

In accordance with the Financial Conduct Authorities Handbook – Senior Management Arrangements, Systems and Controls “SYSC”. We must keep certain records to protect both ourselves and you as the client, these are explained as follows;

SYSC 10A.1.14R03/01/2018

The records kept in accordance with this chapter of the handbook must be provided by the *firm* to the *client* involved upon request; and kept for a period of five years and, where requested by the *FCA*, for a period of up to seven years.

A *firm* must retain its records relating to suitability for a minimum of the following periods:

- if relating to a pension transfer, pension conversion, pension opt-out or FSAVC, indefinitely;
- if relating to a life policy, personal pension scheme or stakeholder pension scheme, five years; and
- in any other case, three years.