

Augusta Kent Limited Privacy Notice

Pursuant to Data Protection Act, the Privacy and Electronic Communication Regulations and the EU General Protection Regulation (“GDPR”)

25 May 2018

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I Introduction

- 1.1 Augusta Kent Limited is committed to protecting your personal information and is committed to complying with all applicable laws concerning the protection of personal information, including the Data Protection Act 1998 (“DPA”), and as from 25 May 2018, The General Data Protection Regulation (“GDPR”).
- 1.2 This Privacy Notice describes out how and why we, Augusta Kent Limited, collect, store and use information and personal data provided to us, both by individuals themselves or by others or when you use or interact with our website, www.augustakent.co.uk.
- 1.3 We may use personal data provided to us for any of the purposes described in this privacy statement or as otherwise stated at the point of collection.
- 1.4 This Privacy Notice is effective from 25 May 2018.

2 Identity and contact details of the controller and, where applicable, the controller’s representative and the data protection officer

- 2.1 Where an insolvency practitioner of Augusta Kent Limited is not appointed as office holder, the data controller is the legal entity (company or otherwise) or individual on whose instructions Augusta Kent Limited is acting. For contact details, please contact Augusta Kent Limited either:
 - By post to The Clocktower, Clocktower Square, St George’s Street, Canterbury CT1 2LE
 - By telephone on 01227 649 000
 - By email to info@augustakent.co.uk.
- 2.2 Where an insolvency practitioner of Augusta Kent Limited is appointed as officeholder and the data processing is carried out as part of their statutory duties, the officeholder is the data controller. However, where they are processing data on behalf of the legal entity or individual over which they have been appointed, then the data controller is that legal entity or individual.
- 2.3 In either case, the data controller(s) can be contacted via Augusta Kent Limited either:
 - By post to The Clocktower, Clocktower Square, St George’s Street, Canterbury CT1 2LE
 - By telephone on 01227 649 000
 - By email to info@augustakent.co.uk.

3 How we use your personal information

The Purpose

- 3.1 The purpose for which personal information is processed may include any or all of the following:
 - Delivery services and meet legal responsibilities;
 - verify identity where this is required;

- communication by post, email or telephone;
- understand needs and how they may be met;
- maintain records;
- process financial transactions;
- prevent and detect crime, fraud or corruption;
- may also need to use data to defend or take legal actions related to the above.

Lawful basis for the processing

- 3.2 To comply with our legal obligations under statute and other regulatory obligations related to the insolvency process. We also believe you have a legitimate interest in the information being supplied.

4 Personal Information we hold

- 4.1 The categories are: contact details, financial information and location.

Information received from third parties

- 4.2 We receive information about you from third parties. These may include Land Charges registry, Companies House, HM Revenue and Customs, the Police, HM Courts Service, financial advisors, tax advisors, solicitors, other professional advisors, private individuals, companies and other legal entities, banks and mortgage lenders, insurance companies (for indemnity), anti-money-laundering checking agencies, medical experts, social services.
- 4.3 It is also possible that third parties with whom we have had no prior contact may provide us with information about you.
- 4.4 Information we obtain from third parties will generally be your name and contact details, but will include any additional information about you which they provide to us.
- 4.5 Where a third party has passed on information about you to us (such as your name and email address) in order for us to provide services to you, we will process your information in order to take steps at your request to enter into a contract with you and perform a contract with you (as the case may be).
- 4.6 Where you have asked that a third party shares information about you with us and the purpose of sharing that information is not related to the performance of a contract or services by us to you, we will process your information on the basis of your consent, which you give by asking the third party in question to pass on your information to us.
- 4.7 Where a third party has shared information about you with us and you have not consented to the sharing of that information, we will have a legitimate interest in processing that information in certain circumstances.

- 4.8 Similarly, third parties may pass on information about you to us on our request or otherwise. In this case, we will have a legitimate interest in processing that information within the scope of an investigation or other legal requirement.

Where we receive information about you in error

- 4.9 If we receive information about you from a third party in error and/or we do not have a legal basis for processing that information, we will delete your information.

Transmission of information to us by email

- 4.10 Transmission of information over the internet is not entirely secure, and if you submit any information to us over the internet (whether by email, via our website or any other means), you do so entirely at your own risk.
- 4.11 We cannot be responsible for any costs, expenses, loss of profits, harm to reputation, damages, liabilities or any other form of loss or damage suffered by you as a result of your decision to transmit information to us by such means.

5 Who we share our data with

- 5.1 Third party organisations that assist us or who we are required to cooperate with pursuant and in accordance with applicable law or regulation.
- 5.2 We may receive requests from third parties from time to time with the authority to obtain disclosure of personal data. Examples include when investigating an alleged crime or to establish, exercise or defend legal rights.
- 5.3 We only fulfil requests for personal data when permitted and obliged to do so in accordance with relevant and applicable law or legislation.
- 5.4 Occasionally, we obtain advice and/or professional support from advisors, such as accountants, agents, financial advisors and solicitors. We will share your information with these third parties only where it is necessary to enable these third parties to be able to provide us with the relevant advice.
- 5.5 We do not display the identities of all of the other third parties we may share information with by name for security, competitive and administrative reasons.
- 5.6 We may need to use your information if we are representing you in a dispute with a third party for example, either to resolve the dispute or as part of any mediation, arbitration, court resolution/proceedings or similar process and this information may have to share with a third party who is not legally represented. By signing our letter of engagement you are providing us with your consent to share your information with a third party who may not be legally represented.

- 5.7 We are not under any duty to ensure that the third party returns all data shared at the end of the contract and we accept no responsibility for the third party's use of the information.

For ongoing compliance with laws, regulations and other legal requirements

- 5.8 We will use and process your information in order to comply with legal obligations to which we are subject. For example, we may need to disclose your information pursuant to a court order or subpoena if we receive one or to the National Crime Agency in connection with suspected or potential money laundering matters, or to the Legal Ombudsman, the ICAEW, ACCA, the Insolvency Service or the Secretary of State in the event of a complaint.

Third party organisations that provide website functionality, data processing or IT services to us

- 5.9 We use third parties to support us in providing our services and to help provide, run and manage our internal IT and telephone systems. These include providers of information technology, website hosting and management, data analysis, data back up, security and storage services.
- 5.10 The server log is monitored closely by our IT support company. These logs contain access requests made from Augusta Kent Staff and are usually cleared as part of the routine maintenance that is undertaken.
- 5.11 All server back data is stored on an encrypted backup system based in the United Kingdom. The data does not leave the UK's data network.
- 5.12 We record all telephone calls. This information is held for seven days on servers hosted by our telephone systems provider before being transferred to secure areas hosted on Augusta Kent's server which is managed and supported by our IT support company and accessible only by Augusta Kent Limited and our IT support company.
- 5.13 Information about your call, such as your phone number and the date and time of your call, is processed and stored within the European Economic Area by our third-party telephone service provider.
- 5.14 We use a third party server to host our website. Our website server automatically logs the IP address you use to access our website as well as other information about your visit, such as the pages accessed, information requested, the date and time of the request, the source of your access to our website (e.g. the website or URL link which referred you to our website), HTTP status code, bytes transferred, full user agent string, and any Apache or programming error messages.
- 5.15 Our third party hosting provider collects and stores server logs to ensure network and IT security and so that the server and website remain uncompromised. This includes analysing log files to help identify and prevent unauthorised access to our network, the distribution of malicious code, denial of services attacks and other cyber-attacks, by detecting unusual or suspicious activity.

- 5.16 We have a legal obligation to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of our processing of information about individuals. Recording access to our website using server log files is such a measure.
- 5.17 We use the information collected by our website server logs to analyse how our website users interact with our website and its features. For example, we analyse the number of visits, unique visitors we receive, the time and date of the visit, the location of the visit and the identity of any referrer.
- 5.18 We use the information gathered from the analysis of this information to improve our website. For example, to change the information, content and structure of our website and individual pages based on the content users engage with most and the duration of time a user spends on particular pages.
- 5.19 Cookies are data files which are sent from a website to a browser to record information about users for various purposes. We use cookies on our website, including essential, functional, and analytical cookies.
- 5.20 You can reject some or all of the cookies we use on or via our website by changing your browser settings but doing so can impair your ability to use our website or some or all of its features.

Outside the European Union (“EU”)

- 5.21 From time to time and under certain case related circumstances, we may use third parties in other countries. Personal data may be transferred outside the countries where we and clients or related parties are located. This can include countries outside the EU and countries who do not have specific laws concerning protection for personal data. In these circumstances, we take steps to ensure that all personal data is provided with adequate protection and that all transfers of personal data outside the EU are done lawfully. Where personal data needs to be transferred to a country outside the EU that the European Commission has determined does not provide an adequate level of protection for same, the transfers will be under an agreement which covers the EU requirements for the transfer of personal data outside the EU.

Creditors, Clients and Key Stakeholders communications

- 5.22 For existing cases, the associated creditors and key stakeholders who have been receiving communications as at 24 May 2018, Augusta Kent Limited will continue to contact you by electronic (email) and/or postal means and/or telephone as before. This will also apply to clients, creditors and key stakeholders of new cases after 25 May 2018.

Transfer and storage of your information for marketing activities

- 5.23 We will send marketing communications in relation to our services to a discrete number of professional contacts via the post. This contact data is managed in-house and stored on the Firm’s in house server on a separate database to that of our case management system and case related electronic and paper files.

5.24 If you are one of our professional contacts, you can opt-out from receiving marketing communications in relation to other services which we offer by emailing info@augustakent.co.uk or by contacting us via telephone on 01227 649000 and requesting same.

Other parties with which the Firm has a relationship

5.25 Individuals, with whom the Firm has a relevant and appropriate relationship are recognised as a legitimate interest for both parties and on this basis we will provide information which we consider relevant about our services, updates on legal developments, event invitations and Firm news by email and post.

6 How long we retain your personal information

6.1 All personal information is retained for as long as is necessary to achieve the purpose listed above and for any other permissible related purpose. For example, to comply with statutory or professional regulatory requirements.

Criteria for determining retention periods

6.2 In any other circumstances, we will retain your information for no longer than necessary taking into account the following:

- the purpose(s) and use of your information both now and in the future (such as whether it is necessary to continue to store that information in order to continue to perform our professional obligations);
- whether we have any legal obligation to continue to process your information (such as any record-keeping obligations imposed by relevant law or regulation);
- whether we have any legal basis to continue to process your information (such as your consent); and
- any relevant agreed industry practices on how long information should be retained; and any relevant surrounding circumstances (such as the nature and status of our relationship with you).

Your rights

6.3 The GDPR provides the right to inform for individuals. This privacy notice meets our requirement to inform you of our processing of your data.

6.4 You have a right of access to personal data held by us as a data controller. This right may be exercised by contacting Augusta Kent Limited either:

- By post to The Clocktower, Clocktower Square, St George's Street, Canterbury CT1 2LE
- By telephone on 01227 649 000
- By email to info@augustakent.co.uk.

6.5 We will aim to respond to any requests for information promptly, and in any event within one month.

6.6 To update personal data submitted to us, you may email or write to us at the contact details above.

- 6.7 Not all of the rights under GDPR are available to you as one of the reasons we are holding your personal data is on the basis of it being a legal obligation and therefore the right to erasure, data portability and to object do not apply.
- 6.8 The data received is not based upon obtaining consent and therefore the right to withdraw consent does not apply.

7 Changes to our privacy statement

- 7.1 We keep this privacy statement under regular review and will place any updates on our website. Paper copies of the privacy statement may also be obtained by writing to us at Augusta Kent Limited, The Clocktower, Clocktower Square, St George's Street, Canterbury CT1 2LE.

8 Accreditations

- 8.1 We may share your information with various organisations such as Institute of Chartered Accountants in England and Wales (ICAEW) or Association Chartered Certified Accountants (ACCA) in relation to professional practice management standards.

9 Your rights in relation to your information

- 9.1 Subject to certain limitations on certain rights, you have the following rights in relation to your information, which you can exercise by sending an email to info@augustakent.co.uk :
- to request access to your information and information related to our use and processing of your information;
 - to request the correction or deletion of your information;
 - to request that we restrict our use of your information;
 - to receive information which you have provided to us in a structured, commonly used and machine-readable format (e.g. a CSV file) and the right to have that information transferred to another data controller (including a third party data controller);
 - to object to the processing of your information for certain purposes; and
 - to withdraw your consent to our use of your information at any time where we rely on your consent to use or process that information.
- 9.2 In accordance with Article 77 of the General Data Protection Regulation, you also have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or of an alleged infringement of the General Data Protection Regulation.
- 9.3 For the purposes of the UK, the supervisory authority in respect of data protection is the Information Commissioner's Office (ICO), the contact details of which are available here: <https://ico.org.uk/global/contact-us/>

I0 Further information on your rights in relation to your personal data as an individual

- I0.1 The above rights are provided in summary form only and certain limitations apply to many of these rights. For further information about your rights in relation to your information, including any limitations which apply, please visit the following pages on the ICO's website <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/> ; and <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>
- I0.2 You can also find out further information about your rights, as well as information on any limitations which apply to those rights, by reading the underlying legislation contained in Articles 12 to 22 and 34 of the General Data Protection Regulation, which is available here: http://ec.europa.eu/justice/data-protection/reform/files/regulation_oj_en.pdf

I1 Verifying your identity where you request access to your information

- I1.1 Where you request access to your information, we are required by law to use all reasonable measures to verify your identity before doing so.
- I1.2 These measures are designed to protect your information and to reduce the risk of identity fraud, identity theft or general unauthorised access to your information.
- I1.3 Where we possess appropriate information about you on file, we will attempt to verify your identity using that information.
- I1.4 If it is not possible to identify you from such information, or if we have insufficient information about you, we may require original or certified copies of certain documentation in order to be able to verify your identity before we are able to provide you with access to your information.
- I1.5 We will be able to confirm the precise information we require to verify your identity in your specific circumstances if and when you make such a request.

Sensitive personal information

- I1.6 'Sensitive personal information' is information about an individual that reveals their racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic information, biometric information for the purpose of uniquely identifying an individual, information concerning health or sexual orientation.
- I1.7 We do not knowingly or intentionally collect sensitive personal information from individuals other than as strictly necessary to act in our professional capacity. You must not otherwise submit sensitive personal information to us.

- 11.8 If you transmit sensitive personal information to us in connection with any services you have requested from us, we will collect and process such information on the basis of your express consent under Article 6(1)(a) of the General Data Protection Regulation.
- 11.9 If you transmit sensitive personal information to us, you will be considered to have explicitly consented to us processing that sensitive personal information under Article 9(2)(a) of the General Data Protection Regulation. Except as required for the performance of the services you have requested and in accordance with any statutory record-keeping obligations, we will use and process your sensitive personal information for the purposes specified when the information was requested and also when deleting it.

12 Children's Privacy

- 12.1 A child for the purposes of this policy is defined as a person under the age of 18. The firm's website is not intended to solicit information of any kind from children.
- 12.2 Any circumstances in which documents or information in relation to a child/children will be dealt with under the Sensitive Personal Information section of this Privacy Notice.
- 12.3 Any circumstances in which documents or information in relation to a child/children comes to our attention may be disclosed to a third party where we are required to do so to protect any child/children from serious or significant harm or in connection with a criminal investigation or act.
- 12.4 We may have to release information about a child/children to an official body who have the authority to demand such information. Information regarding a child/children may be produced to a regulatory body following a complaint for example the Insolvency Service or ICAEW. It is possible that we could receive information pertaining to persons under the age of 18 by the fraud or deception of a third party.
- 12.5 If we are notified of this, as soon as we verify the information, we will, where required by law to do so, immediately obtain the appropriate parental consent to use that information or, if we are unable to obtain such parental consent, we will delete the information from our servers. If you would like to notify us of our receipt of information about persons under the age of 18, please do so by sending an email to info@augustakent.co.uk