

# Privacy Notice

## Introduction

The Data Protection Act 2018 ("DPA 2018") and the General Data Protection Regulation ("GDPR") impose certain legal obligations in connection with the processing of personal data.

Mercer & Hole is a data controller within the meaning of the GDPR and we process personal data. The firm's contact details are: Andy Crook, Data Privacy Lead, 72 London Road, St Albans, Hertfordshire AL1 1NS [email: [dataprivacylead@mercerhole.co.uk](mailto:dataprivacylead@mercerhole.co.uk)].

We may amend this Privacy Notice from time to time. If we do so, we will supply you with and/or otherwise make available to you a copy of the amended Privacy Notice.

Where we act as a data processor on behalf of a data controller (for example, when processing payroll), we provide an additional schedule setting out required information as part of that agreement. That additional schedule should be read in conjunction with this Privacy Notice.

## The purposes for which we intend to process personal data

We intend to process personal data for the following purposes:

- To enable us to supply professional services to you as our client.
- To fulfil our obligations under relevant laws in force from time to time (e.g. the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ("MLR 2017")).
- To comply with professional obligations to which we are subject as a member of the Institute of Chartered Accountants in England and Wales.
- To use in the investigation and/or defence of potential complaints, disciplinary proceedings and legal proceedings.
- To enable us to invoice you for our services and investigate/address any attendant fee disputes that may have arisen.

- To contact you about other services we provide which may be of interest to you where there is a legitimate interest or where you have consented to us doing so.
- To seek your thoughts and opinions on the services we provide.

## The legal bases for our intended processing of personal data

Our intended processing of personal data has the following legal bases:

- At the time you instructed us to act, you gave consent to our processing your personal data for the purposes listed above.
- The processing is necessary for the performance of our contract with you.
- The processing is necessary for compliance with legal obligations to which we are subject (e.g. MLR 2017).
- The processing is necessary for the purposes of the following legitimate interests which we pursue:
  - i. marketing to current clients.
  - ii. marketing to prospective clients.
  - iii. marketing to professional contacts.

It is a requirement of our contract with you that you provide us with the personal data that we request. If you do not provide the information that we request, we may not be able to provide professional services to you. If this is the case, we will not be able to commence acting or will need to cease to act.

## Categories of personal data collected

The categories of personal data we commonly collect are as follows:

Personal data:

- Contact details including name, company name, job title, work and mobile telephone numbers, work and personal email and postal address.
- Professional details including career history, educational background and professional memberships.
- Family and beneficiary details including names and dates of birth.

- Financial information including payroll, investment interests, pensions, assets, bank details and insolvency records.
- Other information provided to us by our clients in the course of a professional engagement.

Sensitive personal data:

When we do need to process sensitive personal data, it is with the consent of the individual unless it is obtained indirectly for legitimate purposes. Examples of sensitive personal data we may obtain include:

- Dietary restrictions or access requirements that may reveal religious beliefs or physical health.
- Personal identification documents that may reveal race or ethnic origin.
- Adverse information about potential or existing clients and applicants that may reveal criminal convictions.
- Child personal data. We may occasionally receive details about children in the course of providing our services.

### Persons/organisations to whom we may give your personal data

We may share your personal data with:

- HMRC
- any third parties with whom you require or permit us to correspond
- connected entities as defined in our details below (namely Mercer & Hole, M&H Financial Planning Ltd, Mercer & Hole Corporate Finance Ltd and Mercer & Hole Trustees Ltd)
- tax insurance providers
- professional indemnity insurers
- our professional body the Institute of Chartered Accountants in England and Wales
- third party organisations that otherwise assist us in providing goods, services and information

If the law allows or requires us to do so, we may share your personal data with:

- the police and law enforcement agencies
- courts and tribunals
- the Information Commissioner's Office ("ICO")

We may need to share your personal data with the third parties identified above in order to comply with our legal obligations, including our legal obligations to you. If you ask us not to share your personal data with such third parties we may need to cease to act.

### Transfers of personal data outside the EEA

Your personal data will be processed in the EEA only unless, after being informed of the risks, you explicitly consent to a transfer of personal data elsewhere, for example the preparation of a non-UK tax return.

### Retention of personal data

We will only retain your personal data for as long as is necessary to fulfil the purposes for which it is collected.

When assessing what retention period is appropriate for your personal data, we take into consideration:

- the requirements of our business and the services provided;
- any statutory or legal obligations;
- the purposes for which we originally collected the personal data;
- the lawful grounds on which we based our processing;
- the types of personal data we have collected;
- the amount and categories of your personal data; and
- whether the purpose of the processing could reasonably be fulfilled by other means.

Where we act as a data processor as defined in DPA 2018, we will delete or return all personal data to the data controller as agreed with the controller.

### Requesting personal data we hold about you (subject access requests)

You have a right to request access to your personal data that we hold. Such requests are known as 'subject access requests' ("SARs").

Please provide all SARs in writing marked for the attention of Data Privacy Lead, 72 London Road, St Albans, Hertfordshire AL1 1NS.

To help us provide the information you want and deal with your request more quickly, you should include enough details to enable us to verify your identity and locate the relevant information. For example, you should tell us:

- your date of birth
- previous or other name(s) you have used
- your previous addresses in the past five years
- personal reference number(s) that we may have given you, for example your national insurance number, your tax reference number or your VAT registration number
- what type of information you want to know

You must also send a copy of:

- the back page of your passport or your driving licence; and
- a recent utility bill.

DPA 2018 requires that we comply with a SAR promptly and in any event within one month of receipt. There are, however, some circumstances in which the law allows us to refuse to provide access to personal data in response to a SAR (e.g. if you have previously made a similar request and there has been little or no change to the data since we complied with the original request).

We will not charge you for dealing with a SAR.

You can ask someone else to request information on your behalf – for example, a friend, relative or solicitor. We must have your authority to respond to a SAR made on your behalf. You can provide such authority by signing a letter which states that you authorise the person concerned to write to us for information about you, and/or receive our reply.

Where you are a data controller and we act for you as a data processor (e.g. by processing payroll), we will assist you with SARs on the same basis as is set out above.

### Putting things right (the right to rectification)

You have a right to obtain the rectification of any inaccurate personal data concerning you that we hold. You also have a right to have any incomplete personal data that we hold about you completed. Should you become aware that any personal data that we hold about you is inaccurate and/or incomplete, please inform us immediately so we can correct and/or complete it.

### Deleting your records (the right to erasure)

In certain circumstances you have a right to have the personal data that we hold about you erased. Further information is available on the ICO website ([www.ico.org.uk](http://www.ico.org.uk)). If you would like your personal data to be erased, please inform us immediately and we will consider your request. In certain circumstances we have the right to refuse to comply with a request for erasure. If applicable, we will supply you with the reasons for refusing your request.

### The right to restrict processing and the right to object

In certain circumstances you have the right to 'block' or suppress the processing of personal data or to object to

the processing of that information. Further information is available on the ICO website ([www.ico.org.uk](http://www.ico.org.uk)). Please inform us immediately if you want us to cease to process your information or you object to processing so that we can consider what action, if any, is appropriate.

### Obtaining and reusing personal data (the right to data portability)

In certain circumstances you have the right to be provided with the personal data that we hold about you in a machine-readable format, e.g. so that the data can easily be provided to a new professional adviser. Further information is available on the ICO website. ([www.ico.org.uk](http://www.ico.org.uk)).

The right to data portability only applies:

- to personal data an individual has provided to a controller;
- where the processing is based on the individual's consent or for the performance of a contract; and
- when processing is carried out by automated means.

We will respond to any data portability requests made to us without undue delay and within one month. We may extend the period by a further two months where the request is complex or a number of requests are received but we will inform you within one month of the receipt of the request and explain why the extension is necessary.

### Withdrawal of consent

Where you have consented to our processing of your personal data, you have the right to withdraw that consent at any time. Please inform us immediately if you wish to withdraw your consent.

Please note:

- the withdrawal of consent does not affect the lawfulness of earlier processing
- if you withdraw your consent, we may not be able to continue to provide services to you
- even if you withdraw your consent, it may remain lawful for us to process your data on another legal basis (e.g. because we have a legal obligation to continue to process your data).

### Automated decision-making

We do not intend to use automated decision-making in relation to your personal data.

## Complaints

If you have requested details of the information we hold about you and you are not happy with our response, or you think we have not complied with the GDPR or DPA 2018 in some other way, you can complain to us. Please send any complaints to Paul Maberly, Managing Partner, 72 London Road, St Albans, Hertfordshire AL1 1NS.

If you are not happy with our response, you have a right to lodge a complaint with the ICO ([www.ico.org.uk](http://www.ico.org.uk)).

## Our details

Mercer & Hole refers to a partnership and firm of Chartered Accountants

- Mercer & Hole Financial Planning is the trading name of M&H Financial Planning Ltd which is authorised and regulated by the Financial Conduct Authority registered in England and Wales – company number 9585846
- Mercer & Hole Corporate Finance Ltd is registered in England and Wales – company number 9592100
- Mercer & Hole Trustees Ltd is registered in England and Wales – company number 3147908