

## **Varden Nuttall Limited (In Administration) – Privacy Notice**

Varden Nuttall Limited was placed into Administration on 24 March 2016.

The Joint Administrators, Ben Woolrych & Phil Pierce of FRP Advisory LLP and Paul Boyle & Tom Bowes of Harrisons Business Recovery and Insolvency Limited, act as agents of the Varden Nuttall Limited and without personal liability. Paul Boyle & Tom Bowes are licensed by the Insolvency Practitioners Association and Ben Woolrych & Phil Pierce are licensed by the Institute of Chartered Accountants of England and Wales, all Joint Administrators are bound by the Insolvency Code of Ethics.

Varden Nuttall Limited (In Administration) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data (including when you visit our website, regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

Please also use the Glossary to understand the meaning of some of the terms used in this privacy notice.

### **1. Important information and who we are**

#### **Purpose of this privacy notice**

This privacy notice aims to give you information on how Varden Nuttall Limited collects and processes your personal data.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you (including within our Engagement Letters or other similar documentation) so that you are fully aware of how and why we are using your data. This privacy notice supplements any other notices and is not intended to override them.

#### **Controller**

Anel Andrew on behalf of Varden Nuttall Limited (In Administration) is the data controller and ultimately responsible for your personal data (collectively referred to as "we", "us" or "our" in this privacy notice).

Anel Andrew is also our Data Privacy Manager, responsible for overseeing and responding to any questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights as a data subject (set out below), please contact her using the details set out below.

#### **Contact details**

Our full details are:

Full name of legal entity: Varden Nuttall Limited (In Administration)

Name of data privacy manager: Anel Andrew

Email address: anel.andrew@vardennuttall.co.uk  
Postal address: 102 Sunlight House, Quay Street, Manchester M3 3JZ  
Telephone number: 0844 826 2144

You have the right to make a complaint at any time in relation to our use or treatment of your personal data to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please do contact us in the first instance.

### **Changes to the privacy notice and your duty to inform us of changes**

This version was last updated on 25 May 2018 and historic versions can be obtained by contacting us.

Data protection law in the UK has changed as of 25 May 2018. Although this privacy notice sets out most of your rights under the new laws, we may not yet be able to respond to some of your requests as we are still working towards getting our systems ready for some of these changes.

It is important that the personal data which we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us by contacting our Data Privacy Manager or any member of our staff dealing with your case.

## **2. The data we collect about you**

Personal data, or personal 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 follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes postal address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.

We may also collect, store and use the following more sensitive types of personal information:

- Information about your health, including any medical condition

Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information including, in relation to your health) in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We do not need your consent if we use special categories of your personal information in accordance with our legal obligations or exercise specific rights in the field of insolvency law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

### **If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of our contract with you in relation to your case (whether it relates to an Individual Voluntary Arrangement, Trust Deed, Sequestration or Bankruptcy) and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to progress your case). In this case, we may have to end our relationship with you but we will notify you if this is the case at the time.

### **3. How is your personal data collected?**

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data which you provide when you engage with us or give us some feedback.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
- Identity and Contact Data from publicly available sources such as the Insolvency Register, Companies House and the Electoral Register based inside the EU
- Money Laundering Clearance providers including (without limitation) Equifax.

### **4. How we use your personal data**

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to provide our services and perform the contract we are about to enter into or have entered into with you in relation to your case.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Please see below to find out more about the types of lawful basis that we will rely on to process your personal data.

### **Purposes for which we will use your personal data**

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including basis of legitimate interest</b>
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To progress your case: (a) Manage payments, fees and charges (b) Collect and recover money and realise assets (including in relation to monies due and owing as a result of your having taken out Payment Protection Insurance or similar products) on behalf of your creditors	(a) Identity (b) Contact (c) Financial	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover money on behalf of your creditors)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy	(a) Identity (b) Contact	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation, specifically to fulfil the terms and conditions of your case
To administer and protect our business	(a) Identity (b) Contact	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
For the purposes of receiving and resolving complaints	(a) Identity (b) Contact	(a) Necessary to comply with a legal obligation, specifically to report complaints to our regulatory bodies

		(b) Necessary for our legitimate interests (for running our business)
For the purposes of the ongoing administration of Varden Nuttall Limited (In Administration)	(a) Identity (b) Contact (c) Financial	(a) Necessary to comply with a legal obligation  (b) Necessary for our legitimate interests in relation to the ongoing administration of Varden Nuttall Limited (In Administration)

### **Change of purpose**

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 would like an explanation as to how our processing for any new purpose is compatible with the original purpose, please contact us using the details above.

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, in compliance with the above rules where this is required or permitted by law, including in relation to bringing or defending a legal claim against you or a third party and obtaining legal, regulatory or other professional advice in relation to such a claim.

### **5. Disclosures of your personal data**

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties as set out in the Glossary below.
- External Third Parties as set out in the Glossary below.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

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 and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **6. International transfers**

We do not transfer your personal data outside the European Economic Area (**EEA**).

## **7. 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 those 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 will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. Data retention**

### **How long will you use my personal data for?**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. By law we have to keep basic information about you (including Contact, Identity, Financial and Transaction Data) for six years after the conclusion of your case for tax, insurance and legal compliance purposes including, without limitation, the record-keeping requirements of section 13 of the Insolvency Practitioners Regulations 2005.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances you can ask us to delete your data please see below for further information.

## **9. Your legal rights**

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please see below to find out more about these rights - if you wish to exercise any of them, please contact us using the details set out above.

### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of your other rights set out below). 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.

## **What we may need from you**

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.

## **Time limit to respond**

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.

## **10. Glossary**

### **LAWFUL BASIS**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us using the details stated above.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract, including in relation to your case.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### **THIRD PARTIES**

#### **Internal Third Parties**

Other companies acting as joint controllers or processors, including (without limitation) Harrison's (VN) Limited, a company to whom former employees of Varden Nuttall (In Administration) Limited have been transferred pursuant to the Transfer Of Undertakings (Protection Of Employment) Regulations 2006 as of 1 January 2018, and FRP Advisory LLP and Harrison's Business Recovery & Insolvency Limited, who employ the Joint Administrators of Varden Nuttall (In Administration) Limited as listed above.

#### **External Third Parties**

- Your creditors, acting as joint controllers.
- The UK and Northern Ireland Insolvency Services, acting as joint controllers.

- Service providers acting as processors based in the EEA and who provide IT, system administration, courier and enquiry agent services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, accountants, auditors and insurers based in the EEA who provide consultancy, banking, legal, insurance and accounting services.
- Regulatory bodies relating to the provision of our services, including the ICAEW, IPA and FCA, acting as joint controllers.
- HM Land Registry, HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities and registration of interests in certain circumstances.
- Remortgage, Secured Loan or Insurance Providers, Claims Management Companies and other third parties acting as joint controllers.

## **YOUR LEGAL RIGHTS**

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. 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. We will advise you if this is the case at the time you withdraw your consent.