
CARMICHAEL & CO

PERSONAL DATA PROTECTION POLICY

Carmichael & Co takes the privacy of your data very seriously.

We will not use any information about you to do anything that we would not want done to ourselves or that has to be done by law.

We need to keep certain information about you so that we can do our job, if we didn't have your name and address and certain other information we couldn't process any claim you have against an insolvent company, reach an agreement with your creditors or arrange payments to you after you have been made redundant.

Because we need to have the information for the performance of our duties under insolvency legislation we do not need your permission to get or keep it. If we were then going to send you marketing, junk mail or spam we would need your permission **BUT WE WON'T!**

Certain data (race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation) is seen as more sensitive ('special category'), and we do not normally need or want it (except for photo identity in anti money laundering). If we have that data we will be particularly careful with it.

The rest of this leaflet sets this out more formally and as required by the Data Protection Act 2018.

<p>Lowry House 17, Marble Street Manchester M2 3AW</p>		<p>127 High Street Hythe Kent CT21 5JJ</p>
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0330 223 0915	Tel	0330 223 0925
0161 883 0480	or	01303 647 480
0330 223 0965	Out of Hours	0330 223 0965
0330 223 0985	Fax	0330 223 0985

DX 14346 MANCHESTER

www.carmichaelsinsolvency.co.uk

www.carmichaelsinsolvency.tel

info@carmichaelsinsolvency.co.uk

Carmichael & Co is the trading style of Carmichaels Insolvency Limited

Registered in England and Wales, Company number 4547436

Marc Landsman is licensed to act as an Insolvency Practitioner in the UK by ICAEW

A member of the ICAEW Practice Assurance Scheme



ICAEW
LICENSED INSOLVENCY
PRACTITIONER (UK)



1. PURPOSE OF THIS POLICY

This policy describes how we collect and use personal data about you, in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and any other national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK ('Data Protection Legislation').

Please read the following carefully to understand our practices regarding your personal data and how we will treat it.

2. ABOUT US

Carmichael & Co (which is the trading style of Carmichaels Insolvency Ltd is a firm of Licensed Insolvency Practitioners. It is registered in England and Wales as a limited company under number 4547436 and its registered office is at Lowry House, 17 Marble Street, Manchester, M2 3AW.

When dealing with an insolvency, the Licensed Insolvency Practitioner (Marc Landsman) is personally appointed rather than Carmichael & Co. He then instructs Carmichael & Co to undertake the work on his behalf. To simplify matters, the policies of Carmichael & Co and Marc Landsman are the same.

Throughout this document, "we", "us" and "our" refers to Marc Landsman and/or Carmichael & Co.

For the purpose of the Data Protection Legislation and this notice: in insolvency matters, Marc Landsman is the 'data controller' and Carmichael & Co is the 'data processor'. In all other matters, Carmichael & Co is the 'data controller'

This means that we are responsible for deciding how we hold and use personal data about you. We are required under the Data Protection Legislation to notify you of the information contained in this privacy notice.

We have appointed a Marc Landsman as Data Protection Officer He is our Data Protection Point of Contact and is responsible for assisting with enquiries in relation to this privacy notice or our treatment of your personal data. Should you wish to contact him you can do so using the contact details noted at paragraph 12 (Contact Us), below.

3. HOW WE MAY COLLECT YOUR PERSONAL DATA

We obtain personal data about you, for example, when:

- You seek advice from us
- You appoint us to deal with an Individual Voluntary Arrangement on your behalf
- You appoint us to deal with a Partnership Voluntary Arrangement on your behalf
- Our Licensed Insolvency Practitioner is appointed Trustee in Bankruptcy over

your estate

- As a director or shareholder you seek advice from us about your limited company
- As a director or shareholder you appoint us to deal with Company Voluntary Arrangement for your limited company
- Our Licensed Insolvency Practitioner is appointed Liquidator, Administrator or Receiver of your Company
- the company or you tell us that you own shares in an insolvent company with which we are dealing
- we are told that you are a creditor of an insolvent debtor or company with which we are dealing
- you instruct us to act on your behalf in relation to someone else's insolvency
- you submit a claim in the insolvency of an insolvent debtor or company with which we are dealing
- we are told that you are an employee of an insolvent debtor or company with which we are dealing – this will usually involve us being given the personnel records which may include personal information that the insolvent debtor or company held on you
- You have a business relationship with the insolvent debtor or company with which we are dealing, such as Landlord or you owe them money
- you contact us by email, telephone, post, fax or social media
- from third parties and/or publicly available resources - for example, from Companies House or Court

4. THE KIND OF INFORMATION WE HOLD ABOUT YOU

The information we hold about you may include the following:

- your personal details such as your name and/or address and/or email address;
- if you are a creditor of an insolvent debtor or company with which we are dealing, we will need details of your (potential) claim and if you have provided them to us your bank details (for payment of dividends) and standing meeting requests (to avoid the cost of convening virtual meetings where we know that physical ones will be required);
- if you are a shareholder of an insolvent company with which we are dealing, we will need details of your shareholding;
- if you are an employee of an insolvent debtor or company with which we are dealing, we will need details of your (potential) claim, which will include tax details etc;
- details of contact we have had with you in relation to the provision, or the

- proposed provision, of our services;
- details of any services you have received from us;
 - our correspondence and communications with you;
 - information about any complaints and enquiries you make to us;
 - Information we receive from other sources, such as publicly available information, or other information in relation to investigations within an insolvency.

5. HOW WE USE PERSONAL DATA WE HOLD ABOUT YOU

We may process your personal data for

- purposes necessary for the performance of our Licensed Insolvency Practitioner's duties under insolvency legislation
- purposes necessary for the performance of our contract with you and to comply with our legal obligations.
- the purposes of our own legitimate interests provided that those interests do not override any of your own interests, rights and freedoms which require the protection of personal data. This includes processing for marketing, business development, statistical and management purposes.
- certain additional purposes with your consent, and in these limited circumstances where your consent is required for the processing of your personal data then you have the right to withdraw your consent to processing for such specific purposes.

Please note that we may process your personal data for more than one lawful basis depending on the specific purpose for which we are using your data.

Situations in which we will use your personal data

We may use your personal data in order to:

- carry out our obligations arising from any agreements entered into between you and us (which will most usually be for the provision of our services);
- carry out our obligations arising from any agreements entered into between our clients and us (which will most usually be for the provision of our services) where you may be a subcontractor, supplier or customer of our client – this is likely to occur where we are instructed to convene a meeting of creditors but do not yet hold a formal insolvency office;
- provide you with information related to our services and our events and activities that you request from us or which we feel may interest you, provided you have consented to be contacted for such purposes;
- seek your thoughts and opinions on the services we provide; and
- notify you about any changes to our services.

In some circumstances we may anonymise the personal data so that it can no longer be associated with you, in which case we may use it without further notice to you.

If you refuse to provide us with certain information when requested, we may not be able to perform the contract we have entered into with you. Alternatively, we may be unable to comply with our legal or regulatory obligations.

We may also process your personal data without your knowledge or consent, in accordance with this notice, where we are legally required or permitted to do so.

Data retention

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, primarily the Insolvency Act and Rules;
- 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.

Change of purpose

Where we need to use your personal data for another reason, other than for the purpose for which we collected it, we will only use your personal data where that reason is compatible with the original purpose.

Should it be necessary to use your personal data for a new purpose, we will notify you and communicate the legal basis which allows us to do so before starting any new processing.

6. DATA SHARING

We will share your personal data with third parties where we are required by law, where it is necessary to administer the relationship between us or where we have another legitimate interest in doing so.

“Third parties” includes third-party service providers.

The following activities may be carried out by third-party service providers

- IT and cloud services

- professional services, including legal; accounting and debt collection
- administration services
- marketing services
- banking services
- Storage of the insolvent entity's books and/or records

All of our third-party service providers are required to take commercially reasonable and appropriate security measures to protect your personal data. We only permit our third-party service providers to process your personal data for specified purposes and in accordance with our instructions.

We may share your personal data with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal data with a regulator or to otherwise comply with the law.

7. TRANSFERRING PERSONAL DATA OUTSIDE THE EUROPEAN ECONOMIC AREA (EEA)

We will not transfer the personal data we collect about you outside of the EEA unless

- it is data held in the cloud by way of data back ups
- We are required to – such as providing a Statement of Affairs or similar for an insolvent debtor or company with which we are dealing to a creditor

8. DATA SECURITY

We have put in place commercially reasonable and 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 have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

9. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Should your personal information change, please notify us of any changes of which we need to be made aware by contacting us, using the contact details below.

Your rights in connection with personal data

Under certain circumstances, by law you have the right to:

- Request access to your personal data. This enables you to receive details of the personal data we hold about you and to check that we are processing it lawfully.
- Request correction of the personal data that we hold about you.
- 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 exercised your right to object to processing (see below).
- 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 basis. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Request the restriction of processing of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal data to you or another data controller if the processing is based on consent, carried out by automated means and this is technically feasible.

If you want to exercise any of the above rights, please email our data protection point of contact.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

10. RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose (for example, in relation to direct marketing that you have indicated you would like to receive from us), you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please email our data protection point of contact.

Once we have received notification that you have withdrawn your consent, we will no longer process your personal information (personal data) for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Please note that investigations we carry out as Liquidator, Trustee in Bankruptcy or Administrator do not need your consent since these are part of our duties under insolvency legislation.

11. CHANGES TO THIS NOTICE

Any changes we may make to our privacy notice in the future will be updated on our website at <https://carmichaelsinsolvency.co.uk/the-legal-stuff/data-policy/>

This privacy notice was last updated on 25 May 2018.

12. CONTACT US

Our Data Protection Point of Contact is Marc Landsman.

If you have any questions regarding this notice or if you would like to speak to us about the manner in which we process your personal data, please email dataprotection@carmichaelsinsolvency.co.uk or telephone 0330 223 0915.

You also have the right to make a complaint to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues, at any time. The ICO's contact details are as follows:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone - 0303 123 1113 (local rate) or 01625 545 745

Website - <https://ico.org.uk/concerns>

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