

# Privacy Policy

## Overview

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR) and controls how your personal information is used by businesses, organisations and government. Everyone responsible for using personal data has to follow strict rules called 'data protection principles' ensuring your information is:

- used fairly, lawfully and transparently.
- used for specified, explicit purposes.
- used in a way that is adequate, relevant and limited to only what is necessary.
- accurate and, where necessary, kept up to date.
- kept for no longer than is necessary.
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

This Privacy Policy describes how we collect and process your personal information. We have clear responsibilities to take good care of your personal information and we take that responsibility seriously.

We encourage you to read this Policy as well as our general Terms and Conditions of Business.

Farley & Thompson collects, uses, discloses and processes personal information as outlined in this Policy in order to operate and fulfil our contract with you by providing investment services. We do not use your personal information for advertising and marketing, and we do not pass on or share your personal data with third parties without your consent, unless it is necessary to fulfil our contract with you, is a legal requirement, or for secure off-site data storage and back-up purposes. If you do not agree with any part of this Policy or our Terms and Conditions of Business, you should not access or continue to use any of our services, or otherwise submit your Personal Data.

## Our contact details

Farley & Thompson  
Pine Grange  
Bath Road  
Bournemouth  
BH1 2NU

Tel: 01202 295000

Email: [enquiries@farleyandthompson.co.uk](mailto:enquiries@farleyandthompson.co.uk)  
Website: [www.farleyandthompson.co.uk](http://www.farleyandthompson.co.uk)

## The type of personal information we collect

We define personal information as data that can be used to identify you, directly or indirectly, alone or together with other information. This includes things such as your full name, address, date of birth, phone number, email address, national insurance number, bank details, personal financial details as well as certain cookie identifiers if you use our online valuation service. Details of our cookie policy can be found on our website.

## How we obtain your personal information and why we have it

When you register for an account with us, we collect personal information from your Registration and Factfind form and input this onto our secure computer systems. We use this information to set up your account and as a basis for providing you with financial services. We may also use this data for internal purposes such as certain research analytics, monitoring, communication, risk management and other administrative purposes.

When you correspond or talk to us on the telephone and as part of our ongoing business relationship, we may use any additional or updated personal information you give us, for example disclosing that you have now retired, to adjust or modify our service to you. These changes will be recorded on our in-house computer systems to ensure that the advice we give remains up-to-date and suitable.

We may use your personal information to recommend other products and services offered by Farley & Thompson. We may also use your personal information to respond to your request for advice or to address other requests, enquiries or complaints.

We will never provide your personal data to a third party unless required to do so by law, for example as part of the annual ISA return to HMRC or following a specific request by you.

We may occasionally use data from third parties, such as a solicitor or pension administrator or from credit and fraud prevention agencies to verify your ID and address details as well as check for politically exposed persons. This type of search will not affect your credit rating.

Details of our credit reference agency's privacy notice can be found at <https://www.transunion.co.uk/legal-information/bureau-privacy-notice>

## How and when we disclose personal information

These will typically be parties you already have a relationship with and who we are contacting in order to fulfil our contract with you. These disclosures will only ever be made with your consent, for example sending a copy of your portfolio to your accountant or corresponding with your pension administrator. Also, to legal, compliance or other agencies which include law enforcement, government or regulatory bodies such as the FCA or Financial Ombudsman, or other authorised third parties in order to comply with laws, regulations, court orders or other legal obligations.

In the event of an actual or contemplated sale or reorganisation of the business, for the purposes of permitting due diligence of a potential buyer of all or part of the firm, or refinancing subject to suitable assurances of secure data handling practices and safeguards.

## The legal basis for processing your information

For the purposes of applicable data protection legislation Farley & Thompson LLP is the "Data Controller" of the information you provide to us. As Data Controller we are required to establish the legal basis on which we may process the personal data. **We use your consent as the legal basis for processing your data.** When you sign and agree the declaration to our Terms and Conditions of Business, you have given your consent to us to use your data in order for us to provide financial services to you. It is against the law for us to provide you with financial advice without having first gained sufficient personal information in order for our advice to be suitable to your personal circumstances. If you elect not to provide consent for us to process your data we will not be able to operate an account for you.

We also collect and process your personal data for three other prescribed purposes:

- I. **For the performance of a contract.** We must have and be able to process sufficient relevant personal data in order to be able to give you suitable investment advice and provide managed investment services.
- II. **To meet legal obligations.** To comply with laws, regulations, court orders or other legal obligations or to assist in an investigation.
- III. **For legitimate interests.** For example, communicating with you, responding to your requests as well as improving and developing our service.

## Your data protection rights

Under data protection law you have rights including:

**Your right to be informed.** This encompasses your right to 'fair processing information' the details of which we provide through this Privacy Policy. It emphasises the need for transparency over how personal data is used.

**Your right of access.** You have the right to ask us whether we are processing your personal data and to request access to the data and related information on that processing e.g., the purpose of that processing and the basis on which it was gathered. We must provide you with this data within one month and without cost. (Additional copies may incur a reasonable fee).

**Your right to rectification.** You are entitled to have your personal data rectified if it is inaccurate or incomplete.

**Your right to erasure (to be forgotten).** You have the right to ask us to delete your personal data when your personal data is no longer necessary for the purposes for which it was originally collected or processed or when you withdraw your consent to it being processed. Typically, Farley & Thompson retain personal data for seven years after the end of the relationship to comply with our regulatory obligations. As Data Controller we are entitled to refuse the right to erasure if there are overriding legitimate grounds not to erase. This may include instances where the information needs to be retained for use in defence of a claim or is relevant to a criminal or other judicial or legal investigation.

**Your right to restrict processing.** In certain circumstances you have the right to request the suppression and limiting of processing of your personal data, including when the accuracy of your personal data is contested, when the processing is unlawful and as an alternative to the right to erasure.

**Your right to data portability.** You have the right to receive the personal data that we hold on you in a structured, commonly used and machine-readable format as well as the right to have this data transmitted directly to another controller.

**Your right to object to processing.** You have the right to object to your data being processed for profiling and direct marketing purposes.

**The right not to be subject to automated decision-making including profiling.** You may object to processing of your data that may result in a damaging decision being taken without human intervention.

## Withdrawing your consent

You may withdraw your consent to the processing of your personal data at any time. This must be done in writing. However, as consent is the basis upon which we process your data, we will no longer be able to provide you with financial services or operate an account for you.

## Transfer of your personal data to other countries

The personal data we process together with all associated services and systems including back-ups is housed on servers in the United Kingdom. If you are located outside of the United Kingdom, the data protection and privacy laws within the United Kingdom may offer a different or lower level of protection than in your country/region. Please be aware that email correspondence with Farley & Thompson is routed through Microsoft Exchange servers that are located in data centres worldwide.

## Data retention

We will retain your personal data for as long as you maintain an account with us or as long as otherwise necessary. Investment firms are obliged to retain records of all services, activities and transactions undertaken which are sufficient to enable the relevant authority to fulfil its supervisory tasks and to perform the enforcement

actions under MiFID and Market Abuse Regulations. Typically, this will be for seven years after the end of the relationship. We will also retain your personal data as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements. Where we no longer need to process your personal data for the purposes set out in this Policy, we will archive it.

## **Security and data storage**

Security of your data is important to us. We have technical safeguards in place and take appropriate measures to prevent the unauthorised or unlawful processing of your personal data and against accidental loss, destruction and damage.

We will always ensure that any personal information that you provide to us which is held electronically will be held on secure servers. The UK has 'adequacy' equivalence with the European Union and if any personal data is stored on servers in countries outside of the European Economic Area (EEA), we will undertake appropriate due diligence to ensure that any third-party supplier adheres to UK standards of data protection.

We store some personal information in paper form which is kept in secure filing. Most original documents are scanned and are either securely destroyed on site or retained pending secure destruction offsite. Please be advised however that the security risks associated with the storage and transmission of personal data can never be fully eliminated.

When you close your account your personal information is archived in accordance with the timescales stated previously, unless required by law to do otherwise.

## **Children**

Farley & Thompson does not collect personal data directly from children under the age of 18. We do operate a legacy Junior Stocks and Shares ISA where personal information is gathered directly from a parent. A child cannot access a Junior ISA or open an account under the age of 18. If we become aware that a child under 18 has provided us with personal data without parental consent, we will take steps to remove the data and cancel the child's account.

## **How to contact us or complain**

If you have any concerns or a complaint about our use of your personal information, including exercise of your rights as detailed above, please put this in writing to the Managing Partner via letter or email. You will receive an acknowledgement within 7 calendar days with a clear timeline of how your case will be dealt with. If you are not satisfied with the outcome or you are unhappy with how we have used your data, you have the right to raise your concern with the Information Commissioner's Office.

The ICO's address:  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Helpline number: 0303 123 1113

ICO website: [www.ico.org.uk](http://www.ico.org.uk)