

PRIVACY NOTICE

1. PURPOSE OF THIS NOTICE

This notice describes how we collect and use personal data about you, in accordance with Data Protection Laws such as the UK Data Protection Act 2018, the UK GDPR and where applicable the EU GDPR.

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

2. ABOUT US

Withall & Co Limited ("Withall & Co" "we", "us", "our" and "ours") is an accountancy and related services firm. We are registered in England and Wales as a limited company under number: 05728991 and our registered office is at Squires House, 205A High Street, West Wickham, Kent BR4 0PH, England.

Data Controller

For the purpose of the Data Protection Laws and this notice, we are 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 Laws to notify you of the information contained in this privacy notice.

We are registered with the UK data protection regulator: the Information Commissioner's Office (ICO) with registration number Z2708489.

Data Protection Manager

We have appointed a Data Protection Manager. Our Data Protection Manager is the data protection point of contact and is responsible for assisting with enquiries in relation to this privacy notice or our processing of your personal data. Should you wish to contact our Data Protection Manager you can do so using the contact details below at paragraph 12; Contact us

3. HOW WE MAY COLLECT YOUR PERSONAL DATA

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

- you request a proposal from us in respect of the services we provide;
- you as a client engage us to provide our services and also during the provision of those services;

- you contact us by email, telephone or by post. For example, when you have a query about our services, provide us with feedback or it is necessary for you to contact us; or
- from third parties and/or publicly available resources. For example, from your employer, HMRC or from Companies House. Where you are a client, we may need to look at sanctions lists, criminal convictions databases, and reasonable internet searches about you.

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 identification and ownership documents where this is required for AML compliance;
- 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 from research, surveys, and marketing activities;
- information about you as specified in our terms of engagement with you; Information we receive from other sources, such as publicly available information, information provided by your employer, our clients or information from our member network firms.

If you are a client of our accountancy or payroll service, we may process the following types of data as part of that service:

- Date of Birth
- Contact details (phone numbers and email address)
- Bank details
- Salary
- National Insurance Number
- Tax code
- Marital Status
- Gender
- Next of Kin contact details

5. HOW WE USE PERSONAL DATA

Pursuant to Data Protection Laws we require a lawful basis to process personal data. We will use your personal data in the following circumstances:

- Performance of a contract: Where we need to perform the contract, we are about to enter into or have entered into with you. For example, when you sign up to our services.

- Legal obligation: Where we need to comply with a legal obligation. For example, where we need to process personal data for HRMC recording purposes or other regulatory body that we adhere to.
- Legitimate interests: 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.
- Consent: We do not generally rely on consent as a legal basis for processing your personal data. Where we do rely on consent you have the right to withdraw consent at any time. Please contact the Data Protection Manager to withdraw consent.
- Vital interests: Where it is necessary to protect your vital interests in case of emergencies.
- Public obligation: Where we need to comply with a public obligation, for example in the matters of public health or in the matter of public interests.

Below sets out how we process personal data with the related lawful basis.

Processing activity	Lawful basis
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.	Performance of a contract.
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.	Performance of a contract.
Conducting client due diligence under the UK Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (as amended) ("the Money Laundering Regulations").	Legal obligation.
To protect our information and our clients' by using security measures that involve detecting, investigating and resolving security threats.	Legitimate interests which do not override your fundamental rights and freedom.

<p>As a regulated business to comply with legal, regulatory or professional obligations. We are subject to various legal, regulatory and professional obligations that require us to keep records which will contain personal data.</p>	<p>Legal obligations and sector specific regulated business obligations.</p>
<p>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.</p>	<p>Legitimate interests which do not override your fundamental rights and freedom.</p> <p>Where required we also use consent as a lawful basis depending on the type of subscriber you are under electronic communications rules.</p>
<p>Seek your thoughts and opinions on the services we provide.</p>	<p>Legitimate interests which do not override your fundamental rights and freedom.</p>
<p>Notify you about any changes to our services.</p>	<p>Performance of a contract.</p> <p>Legitimate interests which do not override your fundamental rights and freedom.</p>
<p>To administer and protect our business and our website including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data</p>	<p>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.</p> <p>Necessary to comply with a legal obligation.</p>

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.

Not providing us with information

If you do not provide us with certain information when requested, we may not be able to perform the contract we have entered into with you or supply our services. 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;
- 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;
- the applicable legal, regulatory, tax, accounting, or other requirements; and
- whether the purpose of the processing could reasonably be fulfilled by other means.

By law we have to keep basic information about our clients including contact details, identity details, financial and transaction data for six years after they cease being clients for tax purposes.

In some circumstances we may anonymise or pseudonymise 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.

6. DATA SHARING

Why might you share my personal data with third parties?

"Third parties" includes third-party service providers and the members of our firm's network. 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.

We may have to share your personal data with the parties set out below:

- **Internally:** Your personal data will be used by our employees and contractors who are working on providing your services to you on a need-to-know basis.
- **Suppliers for business administration:** This would include service providers who support our business including IT and communication suppliers and any outsourced business support to ensure our service runs smoothly.
- **Cloud computing services:** We make use of cloud computing services to store information and personal data. Please see Data Security -8 for further information and general controls in place.
- **Professional advisers:** This would include lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
- **Law enforcement bodies, regulators and other authorities:** This is to comply with our legal requirements or adhere to good practices.
- **Third parties:** This is in the context of the acquisition or transfer of any part of our business or in connection with the business reorganisation. 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.

7. INTERNATIONAL TRANSFERS OF DATA OUTSIDE THE UK/EU

In the event that we may transfer and process your personal data outside of the United Kingdom/European Union to countries where data protection laws are less stringent than those in the UK/EU we shall transfer your personal data outside of the UK/EU to entities that offer our users the same level of data protection as that afforded by Data Protection Laws.

- We will only transfer your personal information to countries that have been deemed to provide an adequate level of protection for personal information; or
- We will use specific contracts approved for use in the UK or EU which give personal information the same protection it has in the UK/EU. For example, the use of Article 46 UK and EU GDPR safeguard mechanisms to transfer personal data endorsed by the UK Government or European Commission.

To find out more about the transfer mechanism used please contact the Data Protection Manager.

8. DATA SECURITY

We use commercially reasonable security technologies such as encryption, password protection and firewall protection to protect this personal data and other data from unauthorised disclosure. We shall only be responsible, subject to any limitation of liability clause included in the body of the engagement letter if it has been determined in a court of law that we did not take commercially reasonable measures to protect personal data and other data from unauthorised disclosure.

Commercially reasonable and appropriate security measures are used to prevent 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 strive to maintain industry guidance and security standards for the protection of personal data and are Cyber Essentials Plus certified.

Where we use third party providers, they 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.

9. DATA SUBJECT RIGHTS

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. 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 exercised your right to object to processing (see below). 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 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 get in contact with our Data Protection Manager.

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 have one month to respond with a further two months in complex cases.

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 contact our Data Protection Manager.

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

11. CHANGES TO THIS NOTICE

Any changes we may make to our privacy notice in the future will be updated on our website at: <http://withallco.com> in response to legal, technical or business developments.

We will take appropriate measures to inform you when we update our privacy notice and we will obtain your consent to any material privacy notice changes if and where this is required by applicable Data Protection Laws.

12. CONTACT US

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 contact the Data Protection Manager at privacyenquiries@withallco.com

13. COMPLAINTS TO REGULATOR

Please get in touch with us with your concerns in the first instance. 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>

14. VERSION CONTROL

This privacy notice was last updated on 29 July 2024.