

PRIVACY NOTICE

Introduction

The Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulation (GDPR) requires organisations that process personal data to meet certain legal obligations. Howards Accountants is a data controller within the meaning of the act and we process personal data.

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, which should be read in conjunction with this privacy notice.

We have aimed to set out the arrangements for processing your data as clearly as possible in this privacy notice. For the avoidance of doubt, we have set out a table at the end of this privacy notice summarising the purpose for which we are using your information and the lawful basis on which we are undertaking the processing of that data.

Information we collect

We are entering into a contract with you and will be processing data on that basis. We therefore collect information about you so we can fulfil this contract and:

- Take you on and retain you as a client under the restrictions placed on us by UK laws (e.g., under the requirements under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLR 2017)).
- Prepare accounts and tax returns
- Provide advice on tax and national insurance liabilities
- Provide ad hoc tax advice.

If you do not provide the information, we request we are unable to provide the services required under the contract and we will not be able to commence acting or will need to cease to act.

Where we collect information

We collect information that is supplied about you from:

- You
- A spouse/partner
- HMRC
- Your employer/partnership/limited liability partnership (LLP)/company
- Electronic ID verification providers
- Other third parties (e.g., banks, investment managers etc.) as authorised by you.

How is information collected and transferred?

Both within our organisation and when dealing with external parties we recognise the importance of the privacy of your information. We have agreed in communications

with you that we will use appropriate security measures and we will also use appropriate security measures in communications with others.

Categories of information collected

Personal data can be categorised into several key categories:

- Personal Identifiable information
- Sensitive Personal Data
- Financial Information
- Employment and Professional Information
- Communication and Correspondence


How we use your information

We may use information we hold about you:

- to provide services under the contract in force between us
- to contact you about other services we provide which may be of interest to you if you have consented to us doing so.
- To meet other legal and regulatory requirements.
- For other legitimate interests. We will retain records based on our retention policy so that we can defend ourselves against potential legal claims or disciplinary action which can be brought within statutory time limits.

We may also use information from other people or organisations when carrying out these activities.

There is no automated decision-making involved in the use of your information and therefore no data portability.

 Your information will be processed in the UK only.

Information we may give to others

In order for us to undertake our contract with you, we may give information about you to:

- HMRC
- other third parties you require us to correspond with (for example, finance providers, pension providers (including auto-enrolment) and investment brokers.
- subcontractors
- an alternate appointed by us in the event of incapacity or death
- tax insurance providers
- professional indemnity insurers
- Our professional body (the Association of Chartered Certified Accountants) or the Office of Professional Body Anti-Money Laundering Supervisors (OPBAS) in relation to practice assurance or the requirements on us in relation to MLR 2017.

We need to give information to these other parties in order to fulfil our contractual obligations to you and therefore it is not possible to opt out of the provision of information to these parties. If you ask us not to provide information we may need to cease to act.

If the law allows or requires us during the period of our contractual arrangements or after we have ceased to act we may give information about you to:

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

In addition, after we have ceased to act we may give information about you to:

- our professional indemnity insurers or legal advisers where we need to defend ourselves against a claim
- our professional disciplinary body where a complaint has been made against us in order to defend ourselves against a claim.
- your new advisers or other third parties you ask us to give information to.

Retention of information

When acting as a data controller and in accordance with recognised good practice within the tax and accountancy sector we will retain all of our records relating to you as follows:

- where tax returns have been prepared it is our policy to retain information for seven years from the end of the tax year that the information relates to.
- where ad hoc advisory work has been undertaken it is our policy to retain information for seven years from the date the business relationship ceased.
- where we have an ongoing client relationship permanent information (the data supplied by you and others which is needed for more than one year's tax compliance) including, for example, capital gains base costs and claims and elections submitted to HMRC are retained throughout the period of the relationship but will be deleted seven years after the end of the business relationship unless we are asked to retain it for a longer period by our clients.

Our contractual terms refer to the destruction of documents after seven years and therefore agreement to the contractual terms are taken as agreement to the retention of records for this period. Under the Money Laundering Regulations (MLR 2017) personal data must normally be destroyed within specified time limits but where contractual agreement is in place this is taken as agreement under Regulation 40 (5) MLR 2017 to retain records for the longer period of seven years.

You are responsible for retaining information that we send to you (including details of capital gains base costs and claims and elections submitted) and this will be supplied in the form agreed between us.

Documents and records relevant to your tax affairs are required by law to be retained by you as follows:

Individuals, trustees and partnerships

- with trading or rental income: five years and 10 months after the end of the tax year;
- otherwise: 22 months after the end of the tax year.

Companies, LLPs and other corporate entities

- six years from the end of the accounting period.

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 information, we hold about you

Requests to see records and other related information that the firm holds about you are known as 'subject access requests' (SAR). We have set out further details on SARs below.

Where we act as a data processor, we will assist you as data controller with SARs on the same basis as is set out below. For example, this will be required where we process payroll for a data controller.

Requests in writing

Please provide all requests in writing marked for the attention of *insert contact name in the organisation*.

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.

If you don't have a national insurance number, you must send a copy of:

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

DPA 2018 requires that we comply with a request for information promptly and in any event within one month of receipt. We will always try to provide a response within this timescale. We will not charge you for dealing with a SAR.

Asking someone else to make a subject access request on your behalf

You can ask someone else to request information on your behalf – for example, a friend, relative or solicitor. We must have your authority to do this. This is usually a letter signed by you stating that you authorise the person concerned to write to us for information about you, and/or receive our reply.

When we won't release information

The law allows us to refuse your request for information in certain circumstances – for example, 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.

The law also allows us to withhold information where, for example, release would be likely to:

- prejudice the prevention or detection of crime
- prejudice the apprehension (arrest) or prosecution of offenders
- prejudice the assessment or collection of any tax or duty
- reveal the identity of another person, or information about them.

We will do our best to apply these conditions carefully, without damaging the effectiveness of our work, so that we can meet your requests as often as possible.

Putting things right (the right to rectification)

Should information you have previously supplied to us be incorrect, please inform us immediately so we can update and amend the information we hold.

Deleting your records (the right to erasure)

In certain circumstances it is possible for you to request us to erase your records and further information is available on the ICO website (www.ico.org.uk). If you would like your records 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 and if applicable we will supply you with the reasons for refusing your request.

Restrictions on processing (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. For further information refer to the ICO website (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 take the appropriate action.

Withdrawal of consent

Where you have consented for us to contact you with details of other services we provide we may continue to process your data and contact you for that purpose after our contractual relationship ends. You may withdraw consent for us to contact you in relation to details of other services we provide at any time during the performance of

the contract or thereafter. We will then cease to process your data but only in connection with contacting you with details of other services we provide. Note that the withdrawal of consent does not make the other bases on which we are processing your data unlawful. We will therefore still continue to process your data under the terms of our contract and for other reasons set out in this privacy notice.

Obtaining and reusing personal data (The right to data portability)

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

You may be able to request your personal data in a format which enables it to be provided to another organisation. We will respond to any 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.

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 DPA 2018 principles in some other way, you can complain to us. If you're still not happy with our response, then you can ask the ICO to assess whether we have contravened DPA 2018.

You can also complain to the Association of Chartered Certified Accountants (ACCA) (www.accaglobal.com/uk/).

Summary of purposes for processing data and the legal basis of this processing

| Purposes of processing data | Legal basis of processing |
|--|----------------------------------|
| Providing the services requested by you and agreed by contract | Contract basis |
| Contacting you with details of other services we provide. | Consent basis |
| Meeting other legal and regulatory purposes | Legal obligation basis |
| Protection against potential legal and other disciplinary action | Legitimate interest basis |