

Privacy statement

This privacy statement explains how we collect and use personal data.

<p>Who we are</p>	<p>Silva Insolvency & Recovery Services Limited is a data controller for the purposes of GDPR. [The General Data Protection Regulation (GDPR) (EU) 2016/679]</p>
<p>What personal information we collect</p>	<p>During the course of an assignment we are likely to obtain your name, address and other contact details as well as your date of birth. In some cases we will require much more information including your previous names and aliases, trading styles, financial information, bank details, address history and tax references. Where assignments involve an individual insolvency, a sole trader business or a partnership all data is classed as personal data.</p> <p>During an assignment we will also obtain personal data belonging to employees, creditors and potential purchasers of assets belonging to the entity subject to the insolvency procedure. In these cases we will collect and retain basic contact information and information relevant to assessment of claim as appropriate. This may include the information mentioned in the preceding paragraph as relevant for payroll processing.</p> <p>As regards marketing contacts, the only personal data that we keep for each individual is your name, phone number and email address.</p> <p>Generally we do not require, and therefore do not collect, data classified as sensitive personal data (e.g. information concerning a data subject's racial or ethnic origin, political opinions, religious beliefs, trade union activities, physical or mental health, sexual life, or details of criminal offences).</p>
<p>How we use your personal information</p>	<p>Most of this firm's assignments must be carried out within the framework of relevant insolvency legislation and guidance as well as, in some cases, company law. In addition, many assignments are impacted by an assortment of other laws and regulations depending on the industry area. As such the personal data held by this firm will be held and processed for the furtherance of its legitimate interests in carrying out a contract; delivering its services and in meeting its legal responsibilities. In some cases additional data will be required to be collected purely in order to comply with Money Laundering regulations.</p> <p>The lawful purpose for processing your data in our technical updates and marketing is "legitimate interests", i.e. the processing is necessary for our legitimate interests as insolvency service providers and your legitimate interests as potential users of those services.</p>
<p>Where we collect personal information from</p>	<p>In voluntary [non court-instigated] assignments the bulk of the information collected will come from you or your financial or legal advisers. Information in those cases may also be collected from assignment stakeholders (e.g. creditors and tax authorities), and from public access websites such as Companies House and the Insolvency Service. There is also likely to be personal data within correspondence which we obtain during the course of an assignment as well as within the records of a business. In compulsory [court-instigated] assignments, in addition to the above, information is likely to be received from the court and the Official Receiver.</p> <p>As regards marketing contacts, information has either been collected from you in person (most likely through an exchange of business cards) or the information has been collected from a publicly available source such as a directory of businesses or from your firm's website.</p>

<p>Why is it being collected?</p>	<p>Collection and processing is necessary for the furtherance of the firm's legitimate interests and we are satisfied that there is no other reasonable way to meet those interests.</p> <p>As regards marketing contacts, we consider that our retention of your limited personal data is in line with your reasonable expectations and would not have an unwarranted impact on you. We are not aware of any good reason to protect your personal data which overrides those legitimate interests.</p>
<p>Who we share your personal information with</p>	<p>We will not sell, distribute or lease your personal information to third parties.</p> <p>Insolvency legislation may require the inclusion of some of your personal data in reports to assignment stakeholders. This will particularly be the case in non-corporate assignments.</p> <p>Other examples of where your personal information will be supplied to third parties are circumstances where we would need to engage those third parties to provide legal services, asset sale, enforcement and collection, regulatory compliance services, IT support, document management systems and case management systems. In these scenarios all third parties will be required to take appropriate security measures to protect your personal information in line with our engagement with them and in accordance with the law. We do not allow third parties to use your personal data for their own purposes.</p> <p>Personal information may be supplied if requested by the Official Receiver, Police, HM Revenue and Customs, Trading Standards or other appropriate legal authority. In addition, this firm's regulators may require access to our records from time to time to assess this firm's compliance with relevant legislation.</p> <p>In the course of an assignment personal information may be held or transmitted internationally. In such circumstances you can expect a similar degree of protection in respect of your personal data as you can expect in the United Kingdom.</p>
<p>How we use your information to make automated decisions</p>	<p>We do not use the data for automated decision making or profiling.</p>
<p>If you do not provide your personal information</p>	<p>In the case of marketing contacts, if you do not provide your personal information we will not be able to notify you of our services or advise you of any news affecting our service.</p> <p>As regards non-marketing contacts, we do not collect data that is not required for the purpose of an assignment. In many cases our collection and processing of your personal information will be required by statute. This will particularly be the case in compulsory assignments. In voluntary assignments we may be unable to carry out an assignment for you if your personal information cannot be obtained.</p>
<p>How long we retain your personal information for</p>	<p>We will only retain your personal information for as long as necessary to fulfil the purpose for which we collected it in line with statutory and professional rules of retention. In the majority of instances, the period for retaining your personal data will be 6 years from completion of the assignment.</p> <p>As regards marketing information, the retention period will be the period of our relationship with you and for a period of 6 years afterwards.</p>

<p>Holding personal information outside the EEA</p>	<p>For the purposes of data storage the firm transfers data (including personal data) to servers based outside the EEA. The data is stored in the United States of America. The data recipient is an active participant in EU-U.S. Privacy Shield scheme which is a scheme to allow U.S. companies, or EU companies working with US companies, to meet GDPR requirements.</p>
<p>Using our website</p>	<p>You do not have to submit any personal information in order to use our website. The site collects and stores personally identifiable information that is specifically and voluntarily provided by visitors. Such information may consist of, but is not limited to, your name, job title, company address, email address, telephone and fax numbers and any financial information that you choose to disclose. We do not collect such personal information without your knowledge.</p> <p>In the event that you choose to supply personal information either through the website or by telephone we will collect, use, share and store this personal data. We collect this information when we speak to you on the telephone, from an online application made via our website and from documents, email or other correspondence that you send to us. Where personal and financial information relating to another person or your partner is supplied by you, you confirm that you have their consent or are otherwise entitled to provide this information to us and for us to use it.</p> <p>We will collect further information if you contact us with comments or specific requests which may include requests to be contacted for marketing purposes or by social media in which case, in addition to the data set out above, we may also hold, use, share and store marketing preferences, payment details, event attendances, usernames, engagement details, likes, retweets, shares, reactions, comments.</p>

1. YOUR RIGHTS

- **Access to your information** – You have the right to request a copy of the personal information about you that we hold.
- **Correcting your information** – We want to make sure that your personal information is accurate, complete and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – You have the right to ask us to delete personal information about you where:
 - You consider that we no longer require the information for the purposes for which it was obtained.
 - We are using that information with your consent and you have withdrawn your consent – see Withdrawing consent to using your information below.
 - You have validly objected to our use of your personal information – see Objecting to how we may use your information below.
 - Our use of your personal information is contrary to law or our other legal obligations.
- **Objecting to how we may use your information** – You have the right at any time to require us to stop using your personal information for direct marketing purposes. In addition, where we use your personal information to perform tasks carried out in the public interest then, if you ask us to, we will stop using that personal information unless there are overriding legitimate grounds to continue.
- **Restricting how we may use your information** – In some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information about you that we hold or assessing the validity of any objection you have made to our use of your information. The right might also apply where this is no longer a basis for using your personal information but you don't want us to delete the data. Where this right is validly exercised, we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.
- **Automated processing** – If we use your personal information on an automated basis to make decisions which significantly affect you, you have the right to ask that the decision be reviewed by an individual to whom you may make representations and contest the decision. This right only applies where we use your information with your consent or as part of a contractual relationship with you.
- **Withdrawing consent using your information** – Where we use your personal information with your consent you may withdraw that consent at any time and we will stop using your personal information for the purpose(s) for which consent was given.

Please contact us in any of the ways set out in the 'Contact information and further advice' section if you wish to exercise any of these rights.

2. COMPLAINTS

We seek to resolve directly all complaints about how we handle personal information but you also have the right to lodge a complaint with the Information Commissioner's Office, whose 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 - ico.org.uk/concerns

3. CONTACT INFORMATION AND FURTHER ADVICE

If you have any queries regarding this statement, your personal data or if you require a paper copy of this privacy statement please contact us by email at jwood@silva-irs.com, by telephone on 01904 238114 or write to Jeremy Wood at Silva Insolvency & Recovery Services, Popeshead Court Offices, Peter Lane, York YO1 8SU.

4. CHANGES TO OUR PRIVACY STATEMENT

We keep this privacy statement under regular review and will place any updates on www.silva-irs.com. This privacy statement was last updated on 24 October 2019.