



## PRIVACY NOTICE

### Introduction

The purpose of this notice is to describe how we collect and use personal data about you, in accordance with the General Data Protection Regulation ("GDPR"), the Data Protection Act 2018 ("DPA 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").

Data Protection Legislation imposes certain legal obligations in connection with the processing and protection of personal data.

Under Data Protection Legislation "data controller" means the person or organisation who decides the purposes for which and the way any personal data is processed.

A "data processor" is a person or organisation which processes personal data for the controller.

### 1. About us

J V Banks is located at Banks House, Paradise Street, Rhyl LL18 3LW and at Banks House, Ty Isa Road, Llandudno LL30 2PL.

We are an accountancy, tax and business advisory firm, a data controller within the meaning of the GDPR, and we process personal data.

We have appointed a Data Protection Point of Contact who is responsible for assisting with enquiries in relation to this privacy notice or our treatment of your personal data. Should you wish to contact our Data Protection Point of Contact you can do so using the contact details at the end of this notice.

Where we act as a data processor on behalf of a data controller (for example, when you have engaged us to process payroll and/or auto enrolment), we provide an additional schedule setting out required information as part of that agreement. That additional schedule should be read in conjunction with this privacy notice.

## **2. What type of information do we collect from you?**

The personal information we collect from you will vary depending on which services you engage us to deliver. The personal information we collect might include your name, address, telephone number, email address, your Unique Tax Reference (UTR) number, your National Insurance number, bank account details, your IP address, which pages you may have visited on our website and when you accessed them.

## **3. The purposes for which we intend to process personal data**

We intend to process personal data for the following purposes:

- To enable us to supply professional services to you as our client as outlined and agreed in our Letter of Engagement and supporting Schedule/s of Service
- To enable us to supply professional services to our client where you may be an employee, subcontractor, supplier or customer of our client.
- Maintaining, updating and enhancing our client records
- To fulfil our obligations under relevant laws in force from time to time (e.g. the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ("MLR 2017")).
- To fulfil regulatory compliance and professional obligations to which we are subject as members of our professional bodies ICAEW and ACCA.
- To use in the investigation and/or defence of potential complaints, disciplinary proceedings and legal proceedings.
- To enable us to invoice you for our services and investigate/address any attendant fee disputes that may have arisen.
- To process an enquiry you made to us via telephone, email, via our website or in person.
- To contact you about other services we provide which may be of interest to you if you have consented to us doing so.
- To send you communications (ie monthly newsletters) to help you keep up-to-date with the latest regulatory news in the accounting industry if you have consented to us doing so.
- To notify you about any changes to our services

## **4. The legal bases for our intended processing of personal data**

Our intended processing of personal data has the following legal bases:

- The processing is necessary for the performance of our contract with you.
- The processing is necessary for compliance with legal obligations to which we are subject (e.g. as part of compliance with HMRC or MLR 2017).
- The processing is necessary for legitimate interests which we pursue. This

includes managing payments, fees and charges; to collect and recover money owed to us; notifying you about changes to our terms or privacy policy; investigating/defending legal claims.

It is a requirement of our contract with you that you provide us with the personal data that we request. If you do not provide the information that we request, we may not be able to provide professional services to you. If this is the case, we will not be able to commence acting or will need to cease to act.

Where none of the above conditions apply, we will ask for your consent to process the data.

## **5. 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 engage us to provide our services and also during the provision of those services;
- you contact us by email, telephone, post, via our website or in person (for example when you have a query about our services); or
- from third parties and/or publicly available resources such as:
  - a spouse/partner
  - HMRC
  - your employer/partnership/limited liability partnership (LLP)/company
  - electronic ID verification providers
  - other third parties (eg banks, investment managers etc)
  - other publicly accessible sources (ie Companies House)

## **6. Persons/organisations to whom we may give personal data**

We may share your personal data with:

- HM Revenue and Customs
- Companies House
- any third parties with whom you require or permit us to correspond
- subcontractors
- tax insurance providers
- professional indemnity insurers
- our debt collection agent Sinclair Goldberg Price Ltd
- our professional bodies ICAEW and ACCA and/or the Office of Professional Body Anti-Money Laundering Supervisors (OPBAS) in relation to practice assurance and/or the requirements of MLR 2017 (or any similar legislation)

If the law allows or requires us to do so, we may share your personal data with:

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

We may need to share your personal data with the third parties identified above in order to comply with our legal obligations, including our legal obligations to you. If you ask us not to share your personal data with such third parties we may need to cease to act.

## **7. Transfers of personal data outside the EEA**

Your personal data will be processed in the EEA only.

## **8. Security of personal information**

When you give us personal information, we take steps to safeguard it and ensure that it is treated securely. We have put in place commercially reasonable and appropriate physical and electronic measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit physical and systems 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.

Communications by email or other electronic means sent over the internet can never be guaranteed to be completely secure. Whilst we strive to protect your personal data we do not accept any responsibility for the security of this data where it is transmitted to us by you via unprotected email or attachment.

Where we have given (or when you have chosen) a password for secure file sharing arrangements or which enables you to access certain parts of our website, you are responsible for keeping the password confidential. We ask you not to share your password with anyone.

## **9. Retention of personal data**

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 to which the information relates.
- where ad hoc advisory work has been undertaken it is our policy to retain information for five years from the date the business relationship ceased.
- where we have an ongoing client relationship, data which is needed for more than one year's tax compliance (e.g. capital gains base costs and claims and elections submitted to HMRC) is retained throughout the period of the relationship, but will be deleted seven years after the end of the business relationship unless you as our client ask us to retain it for a longer period.

Our contractual terms provide for the destruction of documents after seven years and therefore agreement to the contractual terms is taken as agreement to the retention of records for this period, and to their destruction thereafter.

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 Data Protection Legislation, and where we have an ongoing client relationship, it is our policy to retain information for three years from the end of the tax year to which the information relates. At the termination of the contract, we will delete or return all personal data to the data controller as agreed with the controller.

## **10. Requesting personal data we hold about you (subject access requests)**

You have a right to request access to your personal data that we hold. Such requests are known as 'subject access requests' ("SARs").

Please provide all SARs in writing marked for the attention of our Data Point of Contact using the contact details at the end of this notice.

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 do not have a national insurance number, you must send a copy of:

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

Data Protection Legislation requires that we comply with a SAR promptly and in any event within one month of receipt. There are, however, some circumstances in which the law allows us to refuse to provide access to personal data in response to a SAR (e.g. 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).

We will not charge you for dealing with a SAR.

You can ask someone else to request information on your behalf – for example, a friend, relative or solicitor. We must have your authority to respond to a SAR made on your behalf. You can provide such authority by signing a letter which states that you authorise the person concerned to write to us for information about you, and/or receive our reply.

Where you are a data controller and we act for you as a data processor (e.g. by processing payroll), we will assist you with SARs on the same basis as is set out above.

## **11. Putting things right (the right to rectification)**

You have a right to obtain the rectification of any inaccurate personal data concerning you that we hold. You also have a right to have any incomplete personal data that we hold about you completed. Should you become aware that any personal data that we hold about you is inaccurate and/or incomplete, please inform us immediately so we can correct and/or complete it.

## **12. Deleting your records (the right to erasure)**

In certain circumstances you have a right to have the personal data that we hold about you erased. Further information is available on the ICO website ([www.ico.org.uk](http://www.ico.org.uk)). If you would like your personal data 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. If applicable, we will supply you with the reasons for refusing your request.

### **13.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. Further information is available on the ICO website ([www.ico.org.uk](http://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 consider what action, if any, is appropriate.

### **14.Obtaining and reusing personal data (the right to data portability)**

In certain circumstances you have the right to be provided with the personal data that we hold about you in a machine-readable format, e.g. so that the data can easily be provided to a new professional adviser. Further information is available on the ICO website ([www.ico.org.uk](http://www.ico.org.uk)).

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

We will respond to any data portability 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.

### **15.Withdrawal of consent**

Where you have consented to our processing of your personal data, you have the right to withdraw that consent at any time. Please inform us immediately if you wish to withdraw your consent.

Please note:

- the withdrawal of consent does not affect the lawfulness of earlier processing
- if you withdraw your consent, we may not be able to continue to provide

services to you

- even if you withdraw your consent, it may remain lawful for us to process

your data on another legal basis (e.g. because we have a legal obligation to continue to process your data)

## 16. Automated decision-making

We do not intend to use automated decision-making in relation to your personal data.

## 17. Changes to this notice

Any changes we may make to our privacy notice in the future will be updated via our website at [www.jvbanks.co.uk](http://www.jvbanks.co.uk). Please check this page occasionally to ensure that you are happy with any changes.

This privacy notice was last updated May 2018.

## 18. Contact us

If you have any questions:

- regarding this notice or
- would like to speak to us about the manner in which we process your personal data or
- 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 Data Protection Legislation in some other way,

please contact our Data Protection Point of Contact Diane Whittall by emailing [diane@jvbanks.co.uk](mailto:diane@jvbanks.co.uk) or by writing to Banks House, 1-3 Paradise Street, Rhyl LL18 3LW. Alternatively you can telephone Diane on 01745 343825.

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>