Introduction

This Privacy Notice describes the relationship between Clark Business Recovery Ltd and your data – how it is acquired, processed and stored. It will demonstrate our respect for your data regarding security and compliance with current data protection legislation, and in particular, the General Data Protection Regulation, in effect from 25th May 2018.

Policy Updated: Wednesday, 5 February 2025
Accessed at: http://www.clarkbr.co.uk/dppn
Download at: http://www.clarkbr.co.uk/docs/dppnv3.pdf

1. Scope

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by [the General Data Protection Regulation 2016/679 (the "GDPR")].

2. Responsibilities

- There exists NO statutory requirement for a Data Protection Officer (DPO) for Clark Business Recovery Ltd
- All STAFF of the client organisation who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and their consent to the processing of their data is secured

3. Who we are

Clark Business Recovery Ltd ("CBR") is a licensed and regulated Insolvency Practice.

CBR is the data controller (contact details below). This means it decides how your personal data is processed and for what purposes.

4. What is the legal basis for processing your personal data?

Regulation 2016/679 Article 6 – "Lawfulness of processing" [1]
Our legal basis for processing of the personal data consists of:

- Article 6.1(a) – "the data subject has given consent to the processing of his or her personal data for one or more specific purposes;"
- Article 6.1(b) – "processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;"
- Article 6.1(c) – "processing is necessary for compliance with a legal obligation to which the controller is subject;"
- Article 6.1(f) "processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child."
- Article 6.4(e) – "the existence of appropriate safeguards, which may include encryption or pseudonymisation."

5. How do we process your personal data?

CBR complies with its obligations [*under the GDPR*] by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

We use your personal data for the following purposes:

- To maintain and administer accurate client records (name, address, phone, email etc)
- To maintain and administer accurate financial and business records (e.g. bank accounts)
- To effectively operate in a professional manner with third-parties as agent, representative or reporting authority
- To inform you of pertinent news and activities, relative to our engagement
- No data is collected or retained via our website (tracking cookies etc)

[1] Council of the European Union, 5419/1/16 REV 1, pp 118-120

6. Sharing your personal data

Your personal data will be treated as strictly confidential.
Data related to core insolvency practices will be securely shared with official government, financial and legal interests, relative to our being legally appointed as liquidator, trustee, administrator or supervisor.
We will only share your data with other third parties with your consent.

7. How long do we keep your personal data?

For insolvency case related data, our "Data Retention & Storage Policy" says:

> *"The books and records should be held for a period of 12 months after the company has been dissolved on Companies House website. This procedure can take up to 3 months therefore allowing 16 months after the date the Insolvency Practitioner is released from office is the firm's practice"* (CBR DRSP v1.01 May 2018, Section 10)

We keep your personal data for no longer than is reasonable and acceptable in insolvency law.

8. Your rights and your personal data

Unless subject to an exemption [under the GDPR], you have the following rights with respect to your personal data:

- The right to request a copy of your personal data which we hold about you;
- The right to request that we correct any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary for us to retain such data;
- The right to withdraw your consent to the processing at any time;
- The right to request that the data controller provide the data subject with his/her personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable);
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to lodge a complaint with the Information Commissioners Office.

9. Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Protection Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

10. Contact Details

To exercise all relevant rights, queries or complaints please in the first instance contact the Mrs. Wendy Chapman (Office Manager & Data Officer), Clark Business Recovery Ltd, 8 Fusion Court, Leeds, West Yorkshire, LS25 2GH.

You can contact the Information Commissioners Office on 0303 123 1113 or via email https://ico.org.uk/global/contact-us/email/ or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

Clark Business Recovery Ltd
Wednesday, 5 February 2025
CBR Privacy Notice V3.01.Docx
Pages: 4