

Data Protection Statement – James Hay Products

This Data Protection Statement provides you with information on how we process your personal data as part of you holding, or applying to hold, a product with us. This includes the measures we take to keep your personal data secure, and how and why your personal data may be disclosed to other parties.

Summary

Who does this Data Protection Statement apply to?

This Data Protection Statement applies to you if you are an existing James Hay customer, or are applying to open one of our products.

Who is the controller and processor?

Appendix 1 below confirms the companies within the James Hay Group who are the controller and/or processor of your personal data and the contact details of all those controllers are:

James Hay Partnership
Data Protection
Dunn's House
St. Paul's Road
Salisbury, SP2 7BF

Email: dataprotection@jameshay.co.uk

Telephone: 03455 212 414

When will this Data Protection Statement be updated?

An up-to-date version of this Data Protection Statement is accessible at www.jameshay.co.uk or can be requested by calling us on 03455 212 414. However, we will notify you if we make significant changes to this Data Protection Statement.

Providing personal data to us and giving consent

We may ask you to provide personal data optionally, such as if we ask for your consent. In all other cases, we will ask for your personal data for the purposes of providing our services to you, or when there is another lawful basis for doing so.

You have a right to withdraw consent at any time by contacting us using the details provided above. If you withdraw your consent, we will no longer process your personal data for the reasons originally agreed to, unless we have another lawful basis for doing so.

If you are considering withdrawing your consent, please contact us using the contact details above and we will explain how this may affect the running of your product.

The personal data we collect

Personal data

We will collect personal data from the information provided during your product application and throughout the general day-to-day running of your product. This can be from information provided by you, your financial adviser and/or any third parties you instruct on your behalf. We may also collect personal data from other third parties such as product providers, who may be transferring money or assets to us, or from credit reference agencies. The personal data we collect about you includes:

- Your contact details such as name, title, addresses, telephone numbers and email addresses
- Date of birth and/or age
- Gender
- Nationality and any dual nationality
- Country of residence
- Marital status and details of any dependants
- Next of kin and emergency contact information
- Photographic ID, utility bill, and any other anti-money laundering documentation as required
- Occupation, including details of where you work
- Pension information including details of pension benefits
- Bankruptcy information
- National Insurance number
- Bank account details
- Tax status
- Product and services records you hold or have applied for with us
- Voice recordings of any telephone conversations you have with us (see further below)
- Information from fraud agencies, credit reference agencies, electoral roll, court records such as in respect of bankruptcy and other publicly available information
- Details of any third party and/or employers in respect of payments into your product
- Personal data of your financial adviser and/or investment manager, including their name, address, and contact details
- Personal data of those whom you intend to benefit under an Expression of Wishes form, including their name, address, date of birth and the nature of their relationship to you.

Special categories of personal data

We may also collect, store and use special categories of personal data, including information about your health, such as medical conditions and sickness records. An example of where we might do this is in relation to health information from your doctor for the purposes of deciding whether or not to make a payment of early pension benefits due to ill health.

We may record information if you have confirmed to us that you should be considered as 'vulnerable' or where we suspect that you may be vulnerable, and the reasons for this. This data may be a 'special category' of personal data, such as personal data relating to your health. The purpose of collecting that personal data is to ensure that the service we provide to you is suitable.

If we need any special categories of personal data, we will provide you with the full details of what is required and why we are requesting it. We will also let you know what will happen if you do not provide the requested personal data. Please note, if your consent is requested, you are under no obligation to provide your consent.

Criminal convictions and offences

We may hold personal data relating to criminal convictions and offences in the following circumstances:

- As part of our customer due diligence and ongoing monitoring processes, we will check customer information to identify any sanction, terrorist or politically exposed person status. These checks also provide personal data on individuals of special interest, which can include details of any significant criminal convictions or offences, and are used when deciding whether or not to start or continue to maintain a relationship with an individual
- If a court order is received containing personal data about criminal convictions, such as fraud
- Where we are contacted by police if a customer has committed an offence or is under investigation.

If you fail to provide personal data

Where we need to collect personal data by law, or to perform our contract with you and you fail to provide that personal data when requested, we may not be able to perform the contract we have or are trying to enter into with you.

The lawful basis and purpose for processing personal data

Personal data

In most cases, your personal data will be processed to perform our contract with you, and/or to comply with a legal obligation.

Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you, or in order to take steps, at your request, prior to entering into the contract (“**Contract Purposes**”)

- Where we need to comply with a legal obligation (“**Legal Purposes**”)
- 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 (“**Legitimate Interests Purposes**”)
- Where we have your consent (“**Consent Purposes**”).

Special categories of personal data

We will process special categories of personal data where one of the following applies:

- We have your explicit consent
- Such personal data has been made public by you
- We need to establish, exercise or defend legal claims or when courts are acting in their judicial capacity.

Less commonly, we may process this type of personal data where it is needed to protect your or another person's vital interests where you are not capable of providing your consent.

Criminal convictions and offences

We will process personal data relating to criminal convictions and offences where there is a lawful basis to do so (see above) and where European Union (EU) law and United Kingdom (UK) law permits.

Your personal data will therefore be used for the following purposes (which may overlap):

Contract Purposes

- To open and run your product, including taking steps, at your request, prior to opening the product.
- To open and run any bank accounts associated with your product.
- To submit your trading instructions as part of your product.
- To communicate with you in the day-to-day running of your products.
- To update our records.

Legal Purposes

- To provide personal data to others where it is necessary in the running of your product and for legal and regulatory purposes and related disclosures (which may mean passing your personal data to other James Hay Group companies including shareholders, reinsurers, investments managers, investment providers and other third parties involved in the servicing of your product and underlying investments).
- When you contact us regarding exercising your rights under data protection laws.
- We may keep your personal data after your product has closed, where we are required to do so by law (see Appendix 2 for further details).
- For prevention, detection, investigation and reporting of crime, which may include providing your personal data to fraud prevention agencies.

- To verify your identity for anti-money laundering purposes. In this regard we may use credit reference agencies who may supply us with personal data from sources such as the electoral register (this is not a credit check and will not be used by lenders to assess your ability to gain credit). Scoring methods may also be used to verify your identity.
- To monitor your communications with us (see further below).
- For information security purposes.
- To contact you about your product, including for debt recovery purposes.
- To comply with orders of the courts of competent jurisdictions, and for the establishment and defence of legal rights.

Legitimate Interests Purposes

- To ensure good and proper governance, administration, auditing, management of our business and your product.
- To conduct market research, analysis and statistics to improve our products and services.
- To conduct marketing communications, subject to applicable laws.
- To monitor your communications with us (see further below).

Consent Purposes

Where there is no other lawful basis to process personal data, we may ask for your consent. For example:

- When processing special categories of personal data upon your instructions
- When required before disclosing your personal data to third parties
- In order to process an early benefit payout due to ill health
- For certain direct marketing communications.

You are free to withdraw your consent at any time. If you wish to withdraw consent, please contact us using the details on page 1 of this document.

Monitoring your communications with us

We monitor and record your communications with us in accordance with applicable laws. This includes telephone calls, emails, secure messaging on James Hay Online, letters, faxes and any social media communications with us. We do this for the purposes of complying with legal obligations, to prevent and detect crime, quality control and monitoring purposes, to protect the security of our communication systems as well as our procedures and when we need to consider a record of what has been sent (such as if you make a complaint to us).

Sharing personal data

We may share your personal data with others, including third party service providers and other entities in the James Hay Group of companies and its parent companies, subject to applicable laws. We require third parties to respect your personal data and to treat it in accordance with the law.

When we will share personal data with third parties

We will share your personal data with third parties when required by law, when performing a contract with you, when we have a legitimate interest to do so or otherwise with your consent.

Who we will share your personal data with

We may share your personal data with:

- James Hay Group companies including parent companies (IFG Group PLC and its subsidiaries)
- Third party subcontractors who help us provide our services to you, such as bank account management service providers, IT services companies, companies involved in commercial property investment and management, as well as custody investment services companies
- Investment managers, investment providers and other third parties who you invest with through your product
- Other companies involved in providing services to us
- Our professional advisers, including accountants, auditors and lawyers
- Governmental, regulatory and taxation bodies, such as the Information Commissioner's Office (ICO), Financial Conduct Authority (FCA) and Her Majesty's Revenue and Customs (HMRC)
- Other parties linked to your product, such as beneficiaries, when necessary
- Credit reference agencies, fraud prevention agencies
- Market research companies for the purposes of improving our services
- Mail and print companies for the purposes of contacting you about your product
- Any other third party permitted by law and in the following circumstances:
 - To protect the security of our business
 - To comply with orders from a court of competent jurisdictions
 - In an emergency situation, in order to protect your vital interests
 - If we sell, merge, restructure or otherwise reorganise our business
 - When dealing with third parties under your instructions or otherwise as required by the law.

All our UK and EU third party service providers and other entities within the James Hay Group of companies and their parent companies must comply with data protection laws. We do not permit third party processors to use your personal data for their own purposes. We require third party processors to process personal data in accordance with our instructions.

Credit reference agencies

As stated above, we may conduct checks using one or more credit reference agencies before you open a product with us and during our relationship with you. If we use Experian, please note:

- Experian may check your details against any database (public or otherwise) to which Experian has access in order to carry out the relevant verification service.

- A specific (non-credit) footprint is left by Experian.
- A record of the decision made is available to us to retrieve for audit purposes.

Further information about Experian's data protection is accessible at www.experian.co.uk. Other credit reference agencies may undertake similar actions.

Transferring data outside the European Economic Area

We may also transfer your data outside the UK and/or European Economic Area (EEA). Some countries are considered by the European Union Commission (EC) to have adequate data protection laws, but for other countries appropriate safeguards need to be taken to protect your personal data, if possible. This may include us entering into data protection contracts, published by the EU or other applicable government body. Where no adequate safeguards can be taken, your personal data will only be transferred outside the EEA when one of the following applies:

- You have explicitly consented after having been informed of the possible risks
- The transfer is necessary for the performance of our contract with you (for example, if you decide to invest in an investment that is administered outside of the EEA)
- For the establishment, exercise or defence of legal claims
- The law otherwise permits it.

There are also certain circumstances where we will transfer your personal data outside of the EEA in order to administer our products. This includes:

- Jersey – certain products are provided by James Hay Insurance Company Limited, which is a Jersey based company
- Isle of Man – our Wrap Offshore Bond product is provided by RL360, which is based on the Isle of Man
- Australia – some of our alternative banking services are supported by a UK software service provider (Cashfac PLC). Where your product benefits from the alternative banking provider (and you have not opted-out of it), your personal data may be transferred to Australia in the event that there is a need to fix a system error outside of UK office working hours. In which case your personal data may be transferred to Cashfac PTY Limited (who is owned by Cashfac PLC in the UK), who are also ISO27001 certified and are subject to Cashfac PLC policies and procedures on data protection and security.

Please note that Jersey and the Isle of Man are deemed by the EC to provide an adequate level of protection for your personal data. Whilst Australia has not been deemed by the EC to provide adequate protection, we have put in place data protection clauses with Cashfac PLC to ensure that your personal data is treated in the same way as EU and UK laws stipulate.

Data security

How we will keep your data secure

James Hay has in place appropriate security measures designed to keep your personal data secure, preventing it from being lost, stolen, altered, used, accessed or disclosed in an unauthorised way.

These measures include:

- Limiting access of your personal data to only individuals that have a genuine need to access it
- Only allowing these individuals to use your personal data in accordance with your/our instructions
- Having procedures in place to deal with any suspected or confirmed personal data breach and to notify you and any applicable regulator of a breach where we are legally required to do so.

Your data protection rights

Your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Your rights in connection with personal data

Under certain circumstances, by law you have the right to:

- **Request access to your personal data.** This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate personal data we hold about you corrected, though we may need to verify the accuracy of the new data you provide us.
- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no lawful basis 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). You need to be aware of how such a request will affect the running of your product and we will explain this to you if you make such a 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 ground. You also have the right to object where we are processing your personal data for direct marketing purposes.
- **Request the restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the personal data's accuracy; (b) where our use of the personal data is unlawful,

but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your personal data but we need to verify whether we have overriding legitimate grounds to use it.

- **Not be subject to automated decision making, including profiling** – we do not make decisions based solely on automated processing, including profiling.
- **Request receipt and/or transfer of your personal data to another party.** Please contact us. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Make a complaint to the Information Commissioner's Office (ICO).** You have a right to complain to the UK's data protection supervisory authority – the ICO. We have provided contact details for the ICO below.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you want to exercise your rights above, please contact us using the details on page 1.

You will not have to pay a charge to access your personal data (or to exercise any of the other rights). However, we may make a reasonable charge if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

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 data is not disclosed to any person who has no right to receive it.

Other important information

Complaints about our products

If we receive a complaint from you about our products, your personal data will be used in the course of dealing with the complaint. This will include creating a complaint file, logging your data on our complaint management systems and in certain circumstances, providing your personal data to the appropriate ombudsman service (as specified in the Guide to our Complaints Procedure document, which is available on our website www.jameshay.co.uk or on request).

Modular iPlan customers

If you are a Modular iPlan customer and have a financial adviser appointed, please note that your financial adviser may view details of all Modular iPlan products you hold with us when using James Hay Online, even in instances where they are not appointed on all of those products.

Automated decision making

Automated decision making is where personal data is used to make decisions without any human intervention, for example banks using credit scoring for credit card and loan applications.

James Hay **does not** conduct automated decision making.

Processing in the event of your death

The data protection laws apply to the personal data of living persons. However, we will continue to treat your personal data in accordance with the spirit of this Data Protection Statement in the event of your death.

The Information Commissioner's Office

You can obtain general data protection information or exercise your right to make a complaint if you feel we have not handled your personal data correctly, by contacting the Information Commissioner's Office at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk

The Information Commissioner's Office is the UK's supervisory authority for data protection issues.

Glossary

A '**controller**' determines the reasons for and method of processing your personal data. A controller will normally also process your personal data, but may appoint another person or company to process your personal data on the controller's behalf.

A '**processor**' processes your personal data on behalf of the controller. For James Hay, this is a company within the James Hay Group or a third party in certain instances.

'**Personal data**' is information which by itself or combined with other information, can be used to identify you.

Appendix 1

TABLE OF CONTROLLERS AND PROCESSORS		
Products	Controllers (who may also process your personal data)	Additional Processors
James Hay Modular iSIPP (Modular iPlan) James Hay Modular iSIPP (pre-Modular iPlan) James Hay Select SIPP James Hay Private Client SIPP James Hay eSIPP James Hay iSIPP James Hay Partnership SIPP Other products under the registered pension scheme that is the James Hay Personal Pension Plan	James Hay Insurance Company Limited James Hay Administration Company Limited	James Hay Pension Trustees Limited
Sarum Private Pension	James Hay Insurance Company Limited James Hay Administration Company Limited	Sarum Trustees Limited
Aviva Self Invested Personal Pension Plan FPP (formerly called the Friends Life SIPP)	Aviva Life & Pensions UK Limited James Hay Administration Company Limited	James Hay Pension Trustees Limited
Phoenix Life Self invested Section 32 Buy Out Plan (formerly called the Scottish Mutual Section 32 Buy Out Plan)	Phoenix Life Limited	James Hay Administration Company Limited
Scottish Mutual Self Administered Personal Pension Scheme	Scottish Mutual Pension Funds Investment Limited	James Hay Administration Company Limited
The Prudential Flexible Retirement Income Account The Prudential (SAL2) Personal Pension Scheme	Prudential Corporate Pensions Trustee Limited	James Hay Pension Trustees Limited
Scottish Widows Appropriate Personal Pension Scheme	Scottish Widows Plc Scottish Widows Trustees Limited	James Hay Administration Company Limited
The Royal London Personal Pension Scheme (No 2)	The Royal London Mutual Insurance Society Limited	James Hay Administration Company Limited
IPS (2008) SIPP IPS Pension Builder SIPP	IPS Pensions Limited	Union Pension Trustees Limited
IPS SIPP IPS Family SIPP	The IPS Partnership PLC	PAL Trustees Limited
James Hay Wrap SIPP	James Hay Insurance Company Limited James Hay Administration Company Limited	James Hay Pension Trustees Limited
James Hay Wrap Investment Portfolio James Hay Wrap ISA James Hay Modular GIA James Hay Modular ISA	James Hay Wrap Managers Limited	James Hay Wrap Nominee Company Limited
James Hay Wrap Offshore Bond	RL360 Insurance Company Limited James Hay Wrap Managers Limited	James Hay Wrap Nominee Company Limited
Small Self Administered Schemes (SSAS)	The relevant professional trustee company for the scheme	

For a full list of the companies within the James Hay Group, please refer to www.jameshay.co.uk/legal.

Appendix 2

The below table details for how long we may retain your personal data to meet our legal and regulatory obligations.

Record Type	Details of what must be kept	Retention Period
Customer Records – Pension Products (e.g. SIPP and SSAS)	Evidence of customer’s identity Customer agreements (e.g. application form, terms & conditions, charges schedule etc.) Details of customer transactions (money received (including contributions), trades, money paid out) Exercising right to cancel (if applicable) Periodic statements	7 years from the end of the relationship
Customer Records – Pension Transfers & Opt Outs ¹	Details of the pension transfer including: Confirmation of execution-only transactions from James Hay’s perspective or advice was given by a financial adviser Customer agreements (e.g. application form, terms & conditions, charges schedule etc.) Exercise of right to cancel (if applicable)	Indefinitely
Customer Records – Non-Pension Products (e.g. Modular GIA, ISA, Wrap IP, ISA and Offshore Bond)	Evidence of customer’s identity Customer agreements (e.g. application form, terms & conditions, charges schedule etc.) Details of customer transactions (money received, trades, money paid out) Exercising right to cancel (if applicable) Periodic statements	5 years from the end of the relationship
Mandates – Pension Products	Adequate records of the mandate (e.g. the mandate document) and internal controls in respect of the use of the mandate	1 year from the end of the mandate
Mandates – Non-Pension Products	Adequate records of the mandate (e.g. the mandate document) and internal controls in respect of the use of the mandate	5 years from the end of the mandate
Documentation regarding Legal Claims (Litigation)	Relevant information when a material lawsuit or investigation is reasonably anticipated	7 years or until legal advice confirms the records can be deleted
Any other records containing personal data	Any record types not included above that contain personal data	For no longer than is necessary to fulfil the purposes we collected it for

¹ A Pension Transfer is a transfer from an occupational pension scheme (whether a defined benefits or defined contribution scheme) or an individual pension contract containing fixed or guaranteed benefits, to a personal pension scheme (such as a SIPP) or a defined contribution occupational pension scheme (such as a SSAS).

We are able to provide literature in alternative formats. For a Braille, large print or audio version of this document call us on 03455 212 414 (or via the Typetalk service on 18001 03455 212 414).

James Hay Partnership is the trading name of James Hay Services Limited (JHS) (registered in Jersey number 77318); IPS Pensions Limited (IPS) (registered in England number 2601833); James Hay Administration Company Limited (JHAC) (registered in England number 4068398); James Hay Pension Trustees Limited (JHPT) (registered in England number 1435887); James Hay Wrap Managers Limited (JHWM) (registered in England number 4773695); James Hay Wrap Nominee Company Limited (JHWNC) (registered in England number 7259308); PAL Trustees Limited (PAL) (registered in England number 1666419); Santhouse Pensioner Trustee Company Limited (SPTCL) (registered in England number 1670940); Sarum Trustees Limited (SarumTL) (registered in England number 1003681); Sealgrove Trustees Limited (STL) (registered in England number 1444964); The IPS Partnership Plc (IPS Plc) (registered in England number 1458445); Union Pension Trustees Limited (UPT) (registered in England number 2634371) and Union Pensions Trustees (London) Limited (UPTL) (registered in England number 1739546). JHS has its registered office at 2nd Floor, Gaspé House, 66-72 Esplanade, St Helier, Jersey, JE1 1GH. IPS, JHAC, JHPT, JHWM, JHWNC, SPTCL, SarumTL, IPS Plc, PAL, STL, UPT and UPTL have their registered office at Dunn's House, St Paul's Road, Salisbury, SP2 7BF. JHAC, JHWM, IPS and IPS Plc are authorised and regulated by the Financial Conduct Authority. The provision of Small Self Administered Schemes (SSAS) and trustee and/or administration services for SSAS are not regulated by the FCA. Therefore, IPS and IPS Plc are not regulated by the FCA in relation to these schemes or services. (04/19)