

AlixPartners

PRIVACY NOTICE

This privacy notice ("Notice") relates to the processing of personal data by the appointed insolvency practitioners in their personal capacity as insolvency practitioners in connection with insolvent entities over whom they are appointed.

The appointed insolvency practitioners are not responsible for determining the means and purposes for which the insolvent entities processed personal data prior to the insolvency. The appointed insolvency practitioners will determine the purposes and means of processing in order to fulfil their respective duties as agent for the insolvent entities.

References to "you" includes any creditors, current or former employees and current, directors, shareholders, agents, contractors, or former customers of the insolvent entities. Personal data includes any information about you from which you can be identified. The term "processing" means the collection, recording, storage, use disclosure or any other form of operations or dealings with your personal data.

PERSONAL DATA PROCESSED AND WHY

The personal data processed will include:

- a) employee data such as payroll information, HR records, pension information, bank account details, taxes and insurance details;
- b) creditor data such as contact details including names, work and home telephone numbers, email addresses and postal addresses; and
- c) customer data such as national identification numbers, bank account data, credit card data, home address, and contact data.

The appointed insolvency practitioners may also process special categories of personal data about you, such as health data, details of trade union membership, criminal convictions and details of race or ethnic origin.

The appointed insolvency practitioners will process personal data as is necessary to perform its statutory functions under the Insolvency Act 1986 as amended and in order to comply with their duties as agents of the insolvent entities.

The appointed insolvency practitioners may also process personal data where it is in the legitimate interest of the insolvent entities (as controller) or other third parties, except where such interests are overridden by the interests or fundamental rights and freedoms of the underlying data subject.

In addition, the appointed insolvency practitioners will process personal data in connection with the performance their roles and duties as appointed insolvency practitioners in relation to their appointment. These purposes include:

- a) administering the estate of the insolvent entities including any on-going trading of the businesses of the insolvent entities;
- b) performing our duties and roles under the Insolvency Act 1986 as amended and related legislation; and
- c) complying with legal and regulatory obligations.

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In carrying out their respective obligations, the appointed insolvency practitioners may collect personal data:

- a) during the process of administering the estate of the insolvent entities;
- b) where such personal data is required in order to manage the estate, investigate transactions or conduct or deal with claims of customers, employees or tax authorities, or investigate conduct of employees or directors prior to appointment; from public sources such as public registers; and directly from individuals if such individuals engage with us for example an employee or creditor who wishes to discuss the status of a claim.

In carrying out our work, we will use personal data to communicate with individuals (as required by the insolvency and other related legislation) and where necessary, for realising the assets and identifying the liabilities of the companies or individuals over which we have been appointed. Personal data will be kept secure and processed only for matters relating to the insolvency or other similar procedure being dealt with.

THE DATA WE MAY PROCESS

The personal data insolvency practitioners may require in most cases will be basic data relating to an individual. Such data will be used to allow us to carry out our work as insolvency practitioners, for example, dealing with the claims of individuals who are owed monies by the companies or individuals over whom we have been appointed.

However, insolvency practitioners may be appointed over companies or individuals that process personal data that is considered more sensitive, for example health records. This is referred to as “Special Category” data by the Data Protection Act 2018. Special category data will usually have been created before our appointment. We will take appropriate steps to safeguard special category data and destroy it where it is appropriate to do so.

SHARING INFORMATION

In carrying out the role of appointed insolvency practitioners, the insolvency practitioners may disclose personal data to the following third parties:

- a) AlixPartners UK LLP;
- b) Lawyers, accountants, management consultants and other professional advisers;
- c) insurers, agents, auditors and third-party claims handlers;
- d) governmental and regulatory bodies or any other parties as required by law;
- e) potential purchasers of businesses or assets of the insolvent entity or entities; and
- f) third party service providers, for example, data room providers.

Any third party in receipt of personal data will be bound by appropriate obligations of confidentiality and be made aware of the nature and risk of processing in respect of the personal data being disclosed.

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INTERNATIONAL TRANSFERS OF PERSONAL DATA

Personal data may be transferred to AlixPartners UK LLP and third party organisations situated inside or outside the UK including to countries whose laws may not offer the same level of protection of personal data as are enjoyed within the UK. The appointed insolvency practitioners will ensure that any such international transfers are made subject to appropriate or suitable safeguards as required under applicable Data Protection Law.

PERSONAL DATA AND SECURITY

The appointed insolvency practitioners will maintain appropriate technical and organisational measures to ensure a level of security appropriate to protect any personal data provided to us from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Personal Data transmitted, stored or otherwise processed.

RETENTION OF PERSONAL DATA

Personal data will be retained in accordance with legal and regulatory requirements and for as long as necessary in order to discharge the appointed insolvency practitioners' obligations under their appointment. Personal data which is no longer required will be securely destroyed.

YOUR RIGHTS

Under some data protection laws, you may have certain rights in respect of your personal data. You will not be able to use these rights in all circumstances. Where applicable, you have the right to:

- a) be informed about our processing of your personal data;
- b) have inaccurate/incomplete personal data corrected/completed;
- c) object to the processing of your personal data;
- d) restrict the processing of your personal data;
- e) have your personal data erased;
- f) request access to your personal data and to obtain data about how it is processed;
- g) move, copy or transfer your personal data digitally; and
- h) object to automated decision making, such as profiling.

To exercise your rights as set out above, please contact Alison Curry (acurry@alixpartners.com). There is no fee for making these requests. However, if your request is excessive or unfounded, you may be charged a reasonable fee or refuse to comply with it. The appointed insolvency practitioners may request that you provide information necessary to verify your identity before responding to any request you make.

For the period where your personal data is required in order to satisfy legal and regulatory requirements the appointed insolvency practitioners may not be able to erase it on receipt of a request.

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HOW TO CONTACT US

If you have any queries about the contents of this Notice, or would like to raise a complaint or comment about how your personal data is handled, please contact Alison Curry (acurry@alixpartners.com) so the issue may be resolved, where possible.

If you are unhappy about the way in which your personal data has been used or the way in which a complaint has been handled, you have a right to complain to the Information Commissioner's Office, which can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

CHANGES TO THIS NOTICE

This Notice may be updated from time to time

Last updated April 2022