



# PRIVACY POLICY (OFFICE HOLDERS)

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# 1 Milner Boardman Partnership Limited & Our Insolvency Practitioners

1.1 Milner Boardman Partnership Limited trading as Milner Boardman & Partners (“MBP”) is a limited company registered in England & Wales (Company Registered Number: 07195066). Contact details for MBP are as follows:-

Registered office & principal trading address: The Old Bank, 187a Ashley Road, Hale, Cheshire, WA15 9SQ.

Email: [office@milnerboardman.co.uk](mailto:office@milnerboardman.co.uk)

Telephone Number: 0161 927 7788

Website Address: <https://www.milnerboardman.com/>

1.2 MBP have appointed a member of this firm to act as our Information Officer and representative for data protection matters, her details are as follows:

Name: Natasha Baldwin

Address: The Old Bank, 187a Ashley Road, Hale, Cheshire, WA15 9SQ.

Email: [natashab@milnerboardman.co.uk](mailto:natashab@milnerboardman.co.uk)

Telephone Number: 0161 927 7788

1.3 Only a licenced Insolvency Practitioner can be appointed in relation to formal insolvency procedure for individuals and corporate entities. Insolvency Practitioners are licensed to undertake appointments in all formal insolvency procedures.

1.4 MBP has two licenced Insolvency Practitioners, Darren Brookes and Natasha Baldwin. Darren Brookes is an appointment taking licence holder; however, Natasha Baldwin is currently a non-appointment taking licence holder. They are both licenced to act as Insolvency Practitioners in the United Kingdom by the Insolvency Practitioners Association (“IPA”). The Insolvency Practitioner(s) can be contacted via the contact details at section 1.1 or by any email or phone number shown in correspondence sent to you.

1.5 The functions of Insolvency Practitioners are governed largely by:

- The Insolvency Act 1986 (as amended)
- The Insolvency Rules 2016 (as amended)
- The Insolvency Practitioners Regulations 2005
- The Insolvency Practitioners (Amendment Regulations) 2015
- The Insolvent Companies (Report on Conduct of Directors) (England and Wales) Rules 2016
- The Provision of Services (Insolvency Practitioners) Regulations 2009
- The Insolvency Amendment (EU 2015/848) Regulations 2017
- The Company Directors Disqualification Act 1986 (**CDDA**)
- Statements of Insolvency Practice (“SIP”)
- Code of Ethics

- 1.6 Under data protection law, a data controller is someone that makes decisions about how and why your personal data is used and has a duty to ensure that your rights are protected. Where an Insolvency Practitioner of MBP is appointed as office holder and data processing is carried out as part of their statutory duties, the Insolvency Practitioner appointed as the office holder is the data controller. This policy relates primarily to data generated as office holder.
- 1.7 An office holder (i.e. a Liquidator) also acts as an agent on behalf of the company and is subject to confidentiality in respect of any personal data collected, processed and stored.
- 1.8 A Liquidator or Administrator is not a data controller in respect of data processed by the company prior to its Liquidation or Administration.
- 1.9 A data processor means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.
- 1.10 Darren Brookes and Natasha Baldwin are committed to protecting your personal data and will collect and process your personal data in accordance with GDPR, any other applicable legislation relating to personal data or privacy and in accordance with this policy, our general Privacy Policy and internal data retention, protection and security policies in place from time to time.
- 1.11 Where an Insolvency Practitioner of MBP is not appointed as office holder, the data controller is either the company/individual on whose instructions MBP are acting, or it is MBP. Please refer to MBP's general Privacy Policy for further details.

## **2 The Policy**

- 2.1 This privacy policy is provided to comply with the requirements of UK GDPR ("GDPR"). Where the policy refers to "processing" or "process" personal data, this includes handling, collecting, protecting, and storing it. "Personal data" may also be referred to as "personal information".
- 2.2 This privacy policy applies to the Insolvency practitioner(s), Darren Brookes and/or Natasha Baldwin, who is/are appointed as office holder(s) ("I", "me", "my", "we", "us" or "our") and data processing is carried out as part of their statutory duties.
- 2.3 This privacy policy explains what personal data the Insolvency Practitioner(s) may gather about you, what the Insolvency Practitioner(s) may use that information for and to whom the Insolvency Practitioner(s) may share the information with. It also sets out what is done to ensure that your personal data is kept secure and private.
- 2.4 This privacy policy also sets out your rights in respect of the collection and processing of your personal data and who you can contact for more information or queries.
- 2.5 This privacy policy should be read in conjunction with our general privacy Policy which is also available on our website or a copy can be requested from our Information Officer.

### 3 Personal Data & Special Category Personal Data

- 3.1 Under GDPR, personal data is defined as any information relating to an identified or identifiable natural person (data subject), of which some may be classed as special category data, also known as “sensitive data”. It does not include data where the identity has been removed (anonymous data).
- 3.2 Special category data is personal data that needs more protection because it is sensitive.
- 3.2 Special category personal data may include:
- Racial or ethnic origin
  - Political opinions
  - Religious or philosophical beliefs
  - Trade Union membership
  - Genetic information
  - Biometric data
  - Health
  - Sex life or sexuality
  - Criminal convictions and offences
- 3.3 We may hold some special category data e.g. trade union membership, information about individuals’ health or Sexual orientation (for example if you provide us with details of your spouse or partner), which will be necessary to administer the insolvency process in line with our legal or regulatory obligations. We will only collect special category data which is necessary to administer the insolvency process in line with our legal obligations or when we have your explicit consent.
- 3.4 In accordance with SIP 2 and the CDDA, an office holder in an insolvent liquidation and Administration has a duty to investigate what assets there are (including potential claims against third parties including the directors) and what recoveries can be made. Each of the above matters gives rise to the need for an office holder to carry out appropriate investigations, in order to satisfy the specific duties of the office holder. This may involve obtaining personal data in relation to the financial position of directors and/or other third parties, if considering bringing potential claims against them. Sensitive data relating to criminal offences and convictions may also come to light or be processed as part of these investigations.
- 3.5 As further detailed in our general Privacy Policy, biometric data may also be obtained to confirm your identification in accordance with Money Laundering provisions.

### 4 What Personal Data We Collect & How We Use Your Personal Data

- 4.1 We may collect, record and use your data in physical and/or electronic form and will collect and process that data as set out in this policy and in line with the Data Protection Legislation and in accordance with our internal data retention, protection and security policies in place from time to time.

- 4.2 We may receive personal data about you from you or from third parties when we are appointed as office holders and we are required to obtain information about you, for example if you are employed by or an officer of a company in an insolvency process.
- 4.3 Where personal and financial data relating to another person is supplied to us, we will either confirm that consent has been provided or that we are otherwise entitled to use this data, as appropriate. Where personal or 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.
- 4.4 Personal data may also be obtained from public sources or bodies such as the Registrar of Companies and other similar public-access data providers, HM Land Registry and HM Revenue & Customs (“HMRC”).
- 4.5 Personal data may also be obtained from the company records which we collect to comply with our statutory and regulatory obligations; for example, for us to review & adjudicate on claims, to collect in book debts, or to carry out investigations into possible recoveries or offences.
- 4.6 We will only use any personal data supplied to us when we are lawfully permitted to do so. The law states we must identify the purpose and basis upon which we use your personal data. Under the GDPR, processing shall be lawful only if and to the extent that at least one of the following applies:
- You have given clear and specific consent to the processing of your personal data for one or more specific purposes;
  - Where processing is necessary for the performance of a contract which we have entered into with you or in order to take steps at your request prior to entering into a contract;
  - Where processing is necessary for compliance with a legal obligation (not including contractual obligations);
  - Where processing is necessary in order to protect your vital interests or the vital interest of another natural person;
  - Where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us;
  - Where processing is necessary for the purposes of our legitimate interests or the legitimate interests of a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data.
- 4.7 Most processing of personal data is carried out to comply with our legal obligations under statute including companies’ legislation and specific insolvency legislation (as set out in section 1.5) and other regulatory obligations related to the Insolvency process. Processing may also be carried out for the legitimate interests of all stakeholders in the insolvency process, as they are entitled to be kept informed and may wish to engage in the insolvency process.

4.8 The purpose for which personal data is processed by us may include some or all of the following:

- Where your employer engages us to provide services; for example, where your employer engages us to deliver a restructuring solution through a formal insolvency process.
- Deliver services and meet legal and regulatory obligations
- Verify identity where required
- Maintain records
- Realising assets (i.e. book debt collection or selling tangible/intangible assets)
- Communication by post, email or telephone
- Process financial transactions (i.e. distributions to Members or Creditors)
- Prevent and detect crime, fraud or corruption
- Defend or bring legal actions
- Reviewing and agreeing claims of employees and paying such claims. Submission of employee claims in respect of statutory entitlements
- Reviewing and adjudicating on creditor claims for dividend purposes or progressing creditor claims for retention of title.
- Contacting you to provide information that might assist our enquiries and investigation
- Contacting you to submit details of your claim (i.e. to prove your debt) to enable you to participate in a distribution or vote in a decision procedure
- Preparing statutory documents such as Administrators Proposals or progress reports, in compliance with statutory obligations
- Liaising with HMRC regarding taxation matters
- To investigate and deal with any complaints
- Protecting our rights under an insolvency process
- Where you have been identified by the company in an insolvency process as a potential stakeholder in insolvency proceedings, for example an employee, a creditor, a customer, a potential purchaser, an investor or a shareholder
- When you have contacted us by email, telephone, on our website or by post, for example when you have a query about an insolvency engagement, or when you are contacting us to provide details of any claim or in any information that you may have in relation to an insolvency engagement
- When undertaking Investigations as a consequence of:
  - Money Laundering Regulations
  - Bribery Act
  - Proceeds of Crime Act
  - CDDA
  - SIP 2 Investigations

4.9 The list above is illustrative and not exhaustive, and we may also use personal data in connection with any applicable legal, regulatory, or professional requirements, requests from competent authorities and for administrative purposes.

4.6 The precise nature of personal data we collect and process will be dependent on the circumstances of the appointment but may include (but is not limited to):

- **Identity Data** includes full name, username or similar identifier, marital status, title, date of birth, country of residence and proof of identity documents (information contained in a formal identification document or social security or other unique reference relating to you).
- **Contact Data** includes correspondence addresses, billing addresses, email addresses and telephone numbers.
- **Financial Data** includes bank account and payment card details \*\*
- **Transaction Data** includes details about payments to and from you.
- **Employee Data** includes job title, dates of employment, salary, NI number, personnel files (if you were an employee of the company in an insolvency process)
- Personal asset searches
- Land Registry searches
- Debtor/director questionnaire
- Income Payments Agreement / Income Payments Orders
- Bankruptcy Restriction Orders
- Agent reports and valuations
- Legal documents
- Pension notices
- PPI documentation
- Mortgage records
- DVLA searches
- Insurance policies
- Medical records
- Family circumstances (for example, your marital status and dependents)
- Government identifiers (for example National Insurance Number, passport number, driving licence)
- Financial and tax related information (for example your income, credit arrangements, loan facilities and tax details)

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\*\*Where you make a payment to us by credit or debit card, we will use the payment card information only for the purpose of processing that specific transaction. No credit or debit card details are stored once your payment has been processed and the transaction completed. If bank account details are provided for distribution or dividend purposes, these may be retained with our case records and in accordance with our internal data retention, protection and security policies.

#### **4.7 Creditors of a Company or Individual**

4.7.1 By requesting details of your claim in an insolvency process, we may collect personal data from you, particularly if you are a consumer creditor, sole trader or you are lodging a claim in your personal capacity.

4.7.2 The personal data that we collect may include, but is not limited to, the following:

- Your name
- Your contact details (address, telephone number, emails address)
- Financial/Banking details (if making a distribution)
- Details of your claim

4.7.3 All information you supply us is required to enable us to comply with our duties under the Insolvency legislation and which Insolvency Practitioners are subject to.



- 4.7.4 If you do not provide us with certain information when requested, such as your contact details, financial information, or details of the amount of your claim, it may impact our ability deal with your claim or your right to participate in any dividends/distributions made in the insolvency process.
- 4.7.5 Your personal data may be used to enable us to assess the extent of the insolvent entity's liabilities, to allow you to vote on any decision procedures, to enable us to communicate with you and send reports, to process your claim and to pay any dividends which may be due to you from the insolvent's estate.

## 5 Consent

- 5.1 Other than where specified, MBP do not generally request your consent to use your personal data as it is generally collected and processed for one of the other lawful bases.
- 5.2 If we have asked for your specific permission or consent to have and to use your personal data, you have the right to withdraw that consent at any time by contacting MBP's Information Officer.
- 5.3 This will not affect any processing of your personal data which we have done before you withdrew your consent.
- 5.4 Please note that in certain circumstances it may still be lawful for us to continue processing your personal data even where you have withdrawn your consent, if one or more of the other legal bases detailed above, are applicable.

## 6 Sharing your personal data

- 6.1 We may share your personal data with third parties where we have your permission or where it is necessary to fulfil a legal or regulatory obligation, or where it is necessary for administrative purposes and to provide professional services, for example, our IT services (further details in our general Privacy Policy).
- 6.2 If in the unlikely event, we need to share your personal data outside of the UK we will discuss this with you beforehand.
- 6.3 In cases where legislation requires us to carry out an identification check (i.e. to complete money laundering checks), we may validate your name, address and other personal data supplied by you against an appropriate third party database. You should advise us if you do not consent to such a check being made. The checks are to confirm your identity only and a credit check is not performed so your credit rating will not be affected by our identity check.
- 6.4 We may disclose your personal data to the following:
- Those individuals or entities with whom you have requested me to share information such as your spouse or civil partner.
  - Competent authorities, including Courts to comply with legal or regulatory obligations or requests.
  - Service providers/data processors handling your information on our behalf, for example employment or pension specialists, insurers, agents/valuers, accountants,

tax specialists and debt recovery specialists. Such service providers will be contractually bound by confidentiality and privacy obligations consistent with the obligations in this Privacy Policy.

- The Redundancy Payments Service when processing employment claims.
- Legal advisors acting on behalf of the office holder(s).
- Third parties to whom I disclose information during the sale of property, business and/or assets.
- The Insolvency Service in accordance with CDDA.
- Creditors or Stakeholders in the insolvency process. This will be restricted to personal data that we are required by legislation to disclose (i.e. the statement of affairs in a liquidation will include personal data in the form of the names and addresses of individual creditors, together with the amounts owed to them. The directors are required to include this information in the statement of affairs, and send a copy to all known creditors, by virtue of section 99 and 100 of the Insolvency Act 1986 and rules 6.3, 6.4 and 6.14 of the Insolvency (England and Wales) Rules 2016. As a result, this is a valid use of the personal data of individual creditors, and it is not a breach of the GDPR.
- To our licencing body and to our professional advisers or auditors for the purposes of obtaining professional advice or establishing, exercising, or defending legal rights or as reasonably required in the management of our business.
- To our suppliers or third parties involved in the performance of services- we may also share data to third party organisations who assist us in providing services to clients or are otherwise involved in the services we provide to clients.
- Third parties who provide IT services, data processing or functionality. We use third party providers to support our business and the provision of services to our clients such as cloud-based service and software providers, web hosting/management providers, document management systems, printing, storage providers and IT support. Your personal information stored on our systems may be seen by our IT service provider, and other providers of technical services, if they need access to those systems to fix a technical problem or support our business.
- Where appropriate, personal data may be disclosed to law enforcement, regulatory or other government bodies, tax authorities, HMRC, accountants, or third parties where necessary to comply with legal or regulatory obligations or for the purposes identified above. For example, we may share your data with the National Crime Agency or Serious Fraud Office.

6.5 We will not share any personal data for marketing purposes without your explicit consent and we do not undertake mailings for third parties.

## **7 How long do we keep your personal data?**

7.1 We will only retain your personal data for as long as necessary to fulfil the purpose for which we collected it and in line with any retention period that is required by law, accounting, reporting or specific business-sector requirements and agreed practices and in accordance with our internal data retention, protection and security policy.

7.2 In respect of personal data required by law when commencing a client engagement (including Contact, Financial and Transaction Data), the period for retaining your personal data is usually 6 years from the date on which the relevant matter has been closed or has ended.

- 7.3 Money Laundering ID and associated records: copies of identification records obtained (or the references to such evidence) and also the supporting records (originals or copies) are to be kept for a period of five years from the date on which the business relationship ends, i.e. the date of release of the officeholder. They are to be stored securely and destroyed when appropriate, in accordance with our privacy policy, data retention policies and relevant procedures.
- 7.4 The Insolvency Practitioners Regulations 2005 (as amended) requires us to retain records our records until the later of:
- The sixth anniversary of the date of the grant to the insolvency practitioner of his release of discharge in that case; or
  - The sixth anniversary of the date on which any security or caution maintained in that case expires or ceased to have effect.
- 7.5 Certain categories of records may need to be kept for longer than the statutory or recommended periods.
- 7.6 We regularly review what data we have and delete that which is no longer necessary.

## 7.7 Company Insolvency Books and Records

- 7.7.1 The office holder is required to locate the company's books and records (in whatever form), and ensure that they are secured, and listed as appropriate.
- 7.7.2 As both Administrators and Liquidators of Creditors Voluntary Liquidation ("CVL") are required to undertake SIP2 investigations, this imposes a responsibility on the administrator or liquidator to secure the books and records.
- 7.7.3 Summary of case types and regulations

Case Type	Rules and Regulations
Administration – move to dissolution	Reg 3(A)1 Insolvency Regulations 1994 state 'Where proceeding directly to dissolution, the last administrator may dispose of the records after one year from the date of dissolution.'
Administration – likely to go into CVL	None specific
Administration – business sold	If the purchaser of the business retains the same VAT registration number, the new owner takes control of the books and records.
Administration – company rescued	Company will retain the books and records as it will still have the same VAT registration number.
CVL	Liquidator may dispose of the records one year from the date of dissolution.
Compulsory	Liquidator may dispose of the records at any time on the authorisation of the Official Receiver. (Reg 16(1) Insolvency Regulations 1994.)
Members Voluntary Liquidation	Liquidator may dispose of the records one year from the date of dissolution.
Bankruptcy	Trustee may dispose of the records at any time on the authorisation of the Official Receiver.

Voluntary Arrangements ("VA's)	For all VA cases the standard rules regarding retention of records apply to the debtor/company.

## 8 What are your rights?

8.1 You are classed as a "data subject" and you have the following legal rights: -

Right of..	You have the right to..
Access	ask for a copy of the personal data we hold about you
Rectification	ask that we correct any personal data that we hold about you that is inaccurate or incomplete. We have an obligation to ensure that the information we hold about you is complete and accurate.
Forgotten (to be)	ask us to erase or remove personal data from our records, in certain circumstances, where there is no reason for us to continue to hold it
Processing	ask us to restrict the processing of your personal data in certain circumstances. You also have the right to object to the processing of your personal data in certain circumstances.
Portability	request that your personal data is transported to another organisation
Object	Object to certain types of processing and important decisions being made about you
Withdrawal	withdraw your consent for specific processing of your personal data, as detailed at section 5.

8.2 Please contact MBP's Information Officer to request access to or amendment to your personal data. If you would like to access or see a copy of your personal data, you must ask in writing.

8.3 We will treat any requests to access, change and/or delete personal data in accordance with applicable legal requirements. We will always try and deal with any request to your satisfaction however there may be situations where we are unable to do so (for instance if we are required by law to keep your personal data).

8.4 We will endeavour to respond to any request within a reasonable period, and in any event in line with any timescales provided by the Data Protection Legislation.

8.5 We may also send any requests received to anyone else we have shared your personal data with. For more information, please see Section 6.

8.6 You are not required to pay any charge for exercising your rights, however a charge may be levied to cover the administration costs of any unfounded or excessive requests, if appropriate.

## 9 Further Information/How to complain

9.1 We have various measures in place (including physical, electronic and managerial procedures) to keep your personal data safe and to prevent unauthorised access to or use or disclosure of it. Electronic data is stored on secure computer systems, and we control who has access to it. Our staff receive regular data protection training, and we have data protection policies in place which all staff are required to follow when handling your personal data.

- 9.2 If you have any concerns about our use of your personal data then please contact the Insolvency Practitioner appointed as office holder or MBP's Information Officer in the first instance.
- 9.3 If you are still not satisfied that we have addressed your concerns adequately you have a right to lodge a complaint with the ICO, which oversees data protection in the UK, the details of which are available at [www.ico.org.uk](http://www.ico.org.uk).
- 9.4 We are registered with the Information Commissioners Office ("ICO") registration number Z3288447.
- 9.5 This version of our privacy policy (office holders) is effective from 2 July 2024. Our policies are reviewed at appropriate intervals, and we reserve the right to modify or amend this privacy policy at any time. We encourage you to review this statement periodically to remain informed about how we are protecting your personal data.