

## **Customer Privacy Notice** **Create Financial Management**

### **Who are we?**

Create Financial Management is a trading style of Create FM Limited, an appointed representative of Hoyle Independent Advisers Limited, which is authorised and regulated by the Financial Conduct Authority (FRN 433927). We are an independent firm of financial advisers who are authorised to provide financial advice in respect of life and pensions, investments, insurances, and mortgages.

We are committed to ensuring that your privacy is protected. We adhere to the General Data Protection Regulations (UK GDPR).

This notice sets out how Create FM Ltd uses and protects the information that you provide. For the purposes of General Data Protection Regulations, the data controller is Create FM Ltd, and our registered address is: Upton House, St Margarets Road, Cromer, Norfolk, NR27 9DG. We also share data with Hoyle independent Advisers Ltd, as the principal firm of Create FM Ltd, under a data sharing agreement.

### **Why should you read this document?**

During the course of dealing with us, we will ask you to provide us with detailed personal information relating to your existing circumstances, your financial situation and, in some cases, your health and family health history (**Your Personal Data**). This notice is important as it allows us to explain to you what we will need to do with Your Personal Data, and the various rights you have in relation to Your Personal Data.

### **What do we mean by “Your Personal Data”?**

Your Personal Data means any information that describes or relates to your personal circumstances. Your Personal Data may identify you directly, for example your name, address, date of birth, National Insurance number. Your Personal Data may also identify you indirectly, for example, your employment situation, your physical and mental health history, or any other information that could be associated with your cultural or social identity.

In the context of providing you with assistance in relation to your financial requirements, Your Personal Data may include:

- Title, names, date of birth, gender, nationality, civil/marital status, contact details, addresses and documents that are necessary to verify your identity
- Employment and remuneration information, (including salary/bonus schemes/overtime/sick pay/other benefits), employment history
- Bank account details, tax information, loans and credit commitments, personal credit history, sources of income and expenditure, family circumstances and details of dependents
- Health status and history, details of treatment and prognosis, medical reports (further details are provided below specifically with regard to the processing we may undertake in relation to this special type of data)
- Any pre-existing financial products you have and the terms and conditions relating to these

### **Using your personal data: the legal basis and purpose**

When we speak with you about your financial requirements, we do so on the basis that both parties agree that the processing of personal data is necessary to perform our contract with you and we will ask for your **consent** to hold and process your personal data. Once we have your consent, this will be a valid reason for holding your data until such times as you withdraw the consent.

### **Using your personal data: the legal basis and purpose**

For existing clients where we do not have consent, there will already be a policy or plan in place, therefore your data will be processed in respect of the **performance of a contract**, as we have a duty to service plans that are in our agency. In order to perform that contract, and to arrange the products you require, we have the right to use your Personal Data.

Alternatively, either in the course of initial discussions with you or when the contract between us has come to an end for whatever reason, we have the right to use Your Personal Data provided it is in our **legitimate business interest** to do so, and your rights are not affected. For example, we may need to respond to requests from mortgage lenders, insurance providers or product providers relating to the advice we have given to you, or to make contact with you to seek feedback on the service you received.

On occasion, we will use Your Personal data in order to **comply with a legal obligation, such as from our regulator** The Financial Conduct Authority, or for wider compliance with any legal or regulatory obligation to which we might be subject. In such circumstances, we would be processing Your Personal Data in order to meet a **legal, compliance or other regulatory obligation** to which we are subject.

Where we have been given your data as a result of an asset purchase, we may write to you in order to facilitate the continuation of the advice process where your existing adviser is not able to do this. We believe it is in our **legitimate business interests** to ensure you continue to have access to financial advice and are not left with investments that cannot be serviced or reviewed.

In addition, as a result of an asset purchase, where we believe that one or more of your assets may be at risk due to the capital adequacy or liquidity position of the Product Provider(s), we may write to you in order to make you aware of the potential risks, even though we may not have the servicing rights to the asset(s) in question; as such, your data will be processed in order to **protect your vital interests** and we will always refer you to your original or current adviser in the first instance for guidance.

### **The basis upon which we will process certain parts of Your Personal Data**

Where you ask us to assist you with for example your insurance needs, in particular life insurance and insurance that may assist you in the event of an accident or illness, we will ask you information about your ethnic origin, your health and medical history (**Your Special Data**). We will record and use Your Special Data in order to make enquiries of insurance providers in relation to insurance products that may meet your needs and to provide you with advice regarding the suitability of any product that may be available to you.

If you have parental responsibility for children under the age of 18, it is also very likely that we will record information on our systems that relates to those children and potentially, to their Special Data.

The arrangement of certain types of insurance may involve disclosure by you to us of information relating to historic or current criminal convictions or offences ("**Criminal Disclosures**"). This is relevant to insurance related activities such as underwriting, claims and fraud management.

We will use special Data and any Criminal Disclosures in the same way as Your Personal Data generally, as set out in this Privacy Notice.

Information on Special Data and Criminal Disclosures must be capable of being exchanged freely between insurance intermediaries such as our Firm, and insurance providers, to enable customers to secure the important insurance protection that their needs require.

### **How do we obtain or collect Your Personal Data?**

We will collect and record Your Personal Data from a variety of sources, but mainly directly from you. You will usually provide information during the course of our initial meetings or conversations with you to establish your circumstances and needs and preferences in relation to us providing you with financial advice. You may provide information to us verbally and in writing, including email and via our website.

### **How do we obtain or collect Your Personal Data? *continued***

We may also obtain some personal information from third parties, for example, Product Providers, Service Providers, Administrators / Liquidators / Sale Agents (where businesses are purchased or acquired), credit checks, information from your employer, and searches of information in the public domain such as the voter's roll.

If we use technology solutions to assist in the collection of Your Personal Data for example software that is able to verify your credit status, we will only do this if we have consent from you for us or our nominated processor to access your information in this manner. With regards to electronic ID checks, this is our preferred method, and we will always obtain your consent before we carry out an ID check.

## **What happens to Your Personal Data when it is disclosed to us?**

In the course of handling Your Personal Data, we will:

- Record and store Your Personal Data using our third-party processor Intelliflo, through our back-office system Intelligent Office. This information can only be accessed by authorised employees and consultants within our Firm and only when it is necessary to provide our service to you and to perform any administration tasks associated with or incidental to that service
- Submit Your Personal Data to Product Providers, Mortgage Lenders and other third-party service providers, both in paper form and on-line via a secure portal. The provision of this information to a third party is essential in allowing us to progress any enquiry or application made on your behalf and to deal with any additional questions or administrative issues that lenders and providers may raise.
- Use Your Personal Data for the purposes of responding to any queries you may have in relation to any financial product you may take out, or to inform you of any developments in relation to those products and/or polices of which we might become aware.
- Share your data with third parties as below, where we feel you could benefit from their services.

## **Sharing Your Personal Data**

From time to time Your Personal Data will be shared with certain third parties as below:

- Investment & Pension Providers, Mortgage lenders, Finance lenders and insurance providers.
- Intelliflo – Intelliflo provides us with our back-office administration system, Intelligent Office, and your data will be stored on their UK based secure servers.
- Conveyancing providers where we feel that a quotation would be of benefit to you to compare costs.
- Claims Management providers, where after discussion with you, you may benefit from their services in respect of a potential claim for previous financial advice provided by another firm.
- IT service providers who support our business.
- Electronic signature service providers who facilitate electronic exchanges of contracts and signed documents.
- Confidential document shredding service providers as we maintain electronic client records.
- Subcontractors and other persons who help us provide our services
- On-line ID verification service providers which we are required to perform as a regulatory requirement.
- Research tools where they provide quotations in respect of cash flow forecasts and analysis which will assist us in making recommendations.
- Complaints / Investigations – We may need to share your personal data with the Financial Ombudsman Service (FOS), the Financial Services Compensation Scheme (FSCS), the Financial Conduct Authority (FCA) and our Professional Indemnity Insurers.

In each case, your Personal Data will only be shared for the purposes set out in this customer privacy notice, i.e. to progress your enquiry and to provide you with our professional services.

Please note that this sharing of Your Personal Data does not entitle such third parties to send you marketing or promotional messages and we will never sell your personal data for marketing purposes: it is shared to ensure we can adequately fulfil our responsibilities to you, and as otherwise set out in this Customer Privacy Notice.

We do not anticipate that the performance by us of our service will involve Your Personal Data being transferred outside of the European Union.

## **Security and retention of Your Personal Data**

Your privacy is important to us, and we will keep Your Personal Data secure in accordance with our legal responsibilities. We will take reasonable steps to safeguard Your Personal Data against it being accessed unlawfully or maliciously by a third party.

We also expect you to take reasonable steps to safeguard your own privacy when transferring information to us, such as not sending confidential information over unprotected email, ensuring email attachments are password protected or encrypted and only using secure methods of postage when original documentation is being sent to us.

If we have engaged with you and collected your Personal Data, we will retain your personal data for as long as you might legally bring claims against us, and in terms our contractual relationship coming to an end with you, we will retain your personal data based on our legal and regulatory requirements.

### **Your rights in relation to Your Personal Data**

You can:

- Request copies of Your Personal Data that is under our control
- Ask us to further explain how we use Your Personal Data
- Ask us to correct, delete or require us to restrict or stop using Your Personal Data (details as to the extent to which we can do this will be provided at the time of any such request)
- Ask us to send an electronic copy of Your Personal Data to another organisation should you wish
- Amend or withdraw the basis of any consent you may have provided to enable us to market to you or process your personal data in the future (including withdrawing any consent in its entirety). You can do this by writing to us, by telephone on **01263-513016** or emailing us using **opt-out@hoyl.co.uk**

### **How to make contact with our Firm in relation to the use of Your Personal Data**

If you have any questions or comments about this document, or wish to make contact in order to exercise any of your rights set out within it please contact:

**Karl Wetherell, Chief Compliance Officer**

**PO Box 46, Upton House, St Margaret's Road, Cromer, Norfolk, NR27 9WX**

**Telephone: 01263-513016**

**Email: karl.wetherell@hoyl.co.uk**

**Website: www.hoyl.co.uk**

If we feel we have a legal right not to deal with your request, or to action it in different way to how you have requested, we will inform you of this at the time.

If copies are requested by you or a third party and we have complied with that request, we reserve the right to consider any further requests for the same documents or information as an "excessive" request and to charge an administration fee of £250.00.

You should also make contact with us as soon as possible on you becoming aware of any unauthorised disclosure of Your Personal Data, so that we may investigate and fulfil our own regulatory obligations.

**Our Privacy Notice will be regularly under review so please re-visit this on a regular basis to view any updates.**

If you have any concerns or complaints as to how we have handled Your Personal Data you may lodge a complaint with the UK's data protection regulator, the Information Commissioners Office (ICO), who can be contacted through their website at **<https://ico.org.uk/global/contact-us/>** or by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

# Client Privacy Agreement

Please read our **PRIVACY NOTICE** for full details of how we'll hold and process your personal information  
You can read this is on our website, [createfm.co.uk](http://createfm.co.uk), or we'll be pleased to send you a paper copy

## Please tick each box below to provide your consent

### Processing Personal Data (Including Special Data)

I am aware of my rights under General Data Protection Regulations (GDPR) and give consent to be contacted concerning my financial needs. This includes quotes showing conveyancing costs, if needed for mortgage purposes.

I give consent for you to hold and process my personal data, including SPECIAL data (such as race, politics, religion, health, ethnic origin) for the sole purpose of arranging and administering financial products, as explained in your Privacy Notice. I am aware you may need to share this with other companies, including lenders or providers, if obtaining quotes for life cover or an annuity, for example.

I am aware that I can change or withdraw any aspect of my consent at any time.

## Please tick the box below to provide your consent

### Confirming Your Identity (SmartSearch)

I agree to Create Financial Management using Smartsearch to carry out an identity and proof of address check, which you need to help assess risk and meet current anti-money laundering rules.

**I am aware Create cannot provide their services without my consents being given above**

<b>Client 1 Name &amp; Reference Number</b>		<b>Client 2 Name Reference Number</b>	
<b>Client 1 Signature</b>		<b>Client 2 Signature</b>	
<b>Date</b>		<b>Date</b>	

### Data Protection (Marketing)

We and our appointed representatives are committed to complying with GDPR requirements. This means in providing you with our services, we need to securely hold and process relevant personal information.

**We will never share your details with any third party, for advertising or any purpose other than your financial planning, as explained above.**

**Please only tick the boxes below if you consent to us contacting you for marketing purposes**

#### Client 1

- Email
- Telephone
- Post
- SMS

#### Client 2

- Email
- Telephone
- Post
- SMS

**You can change or withdraw your consent at any time by phone, email or in writing, (refer to Privacy Notice)**

**This Agreement will remain in place throughout our relationship as your financial adviser**