



Privacy Policy for Retail Clients with Third Party Investment Advisers

James Brearley & Sons Ltd, as the Data Controller, is committed to ensuring that your personal data is protected. This privacy policy explains how we use the personal data we collect about you, what your privacy rights are and how the law protects you. It applies to information we collect in relation to:

- Users of our website;
- People who use our services;
- Employees or representatives of organisations who use our services or supply us with goods or services;
- People who contact us via any medium (e.g. through our website, by post, email, telephone or social media).

It is important that you read this policy so that you are aware of how and why we are using such information.

We reserve the right to update this privacy policy from time to time.

1. Controller and contact information

James Brearley & Sons Ltd is the controller and responsible for your personal data (collectively referred to as "we", "us" or "our" in this privacy policy).

We have appointed a data protection lead who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the data protection lead by sending an email to privacy@jbrearley.co.uk, or if you would prefer your usual contact at the firm.

2. The personal data we collect

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, title, date of birth and gender.
- **Contact Data** includes postal address, email address and telephone numbers.



- **Financial Data** includes bank account details.
- **Transaction Data** includes your transaction history and cash balances showing details of payments to and from you.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Profile Data** includes your username, password and security questions, your transaction history, your investment criteria and strategy and your feedback and survey responses.
- **Usage Data** includes login time (including details of the account used to login) and information about how you use our website, products and services.
- **Communications Data** is how we will communicate with you.

We may also use aggregated information and statistics for the purposes of monitoring website usage in order to help us develop the website and our services and may provide such aggregate information to third parties. Such aggregated information although it may be derived from your personal data is not considered personal data in law as it does not directly or indirectly reveal your identity.

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

3. How we collect your personal data

Depending on how you interact with us we use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, telephone, email or otherwise. This includes personal data you provide when you:
 - apply for our services;
 - create an account on our website;
 - complete forms, browse or login to our website;
 - speak to our staff face to face or on the telephone (telephone calls are recorded)
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment. We collect this personal data by using cookies, server logs and



other similar technologies. Please see our Cookie Policy available on our website for further details.

- **Third parties or publicly available sources.** We may receive personal data about you from various public sources including Companies House and the Electoral Register and other third parties, including credit reference or fraud prevention agencies or financial intermediaries acting on your behalf.
- **Contact, Financial and Transactional Data** from providers of technical, payment and delivery services, such as Experian based inside the EU.

4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party), by which we mean in the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.
- Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data.

5. Purposes for which we use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Please note that we may process your personal data for more than one lawful basis depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal basis we are relying on to process your personal data where more than one basis has been set out in the table below.



Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To respond to general enquiries from non-clients	(a) Contact	Performance of a contract with you in responding to an information request.
To register you as a new client	(a) Identity (b) Contact	Performance of a contract with you
<p>To process and deliver our service to you including:</p> <p>(a) To manage and/or administer your assets and portfolio;</p> <p>(b) To execute transactions on your behalf;</p> <p>(c) to provide you with statements of your account;</p> <p>(d) to communicate with you on any matter relating to the conduct of your account and the provision of the service</p> <p>(e) Manage payments, fees and charges</p> <p>(f) Collect and recover money owed to us</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Financial</p> <p>(d) Transaction</p> <p>(e) Communications</p>	(a) Performance of a contract with you
To manage our relationship with you which will include:	(a) Identity (b) Contact (c) Profile	<p>(a) Performance of a contract with you</p> <p>(b) Necessary to comply with a legal obligation</p>



(a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave or provide feedback	(d) Communications	(c) Necessary for our legitimate interests (to study how customers use our products/services)
To administer and protect our business and our website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation
To deliver relevant website content or information relating to any of our services	(a) Identity (b) Contact (c) Profile (d) Usage (e) Communications (f) Technical	Necessary for our legitimate interests (to study how customers access information)
To make suggestions and recommendations to you about services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Performance of a contract with you

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.



Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

6. Disclosures of your personal data

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 5 above.

- Service providers acting as processors based in the United Kingdom or the EEA who provide IT and system administration services and product providers.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the United Kingdom or the EEA who provide professional services.
- HM Revenue & Customs, Financial Conduct Authority and other regulators or authorities acting as processors or joint controllers based in the United Kingdom.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions, nor do we allow the transfer of your data outside of the UK or EEA, except where Government agencies (HMRC, FCA etc) do so.

7. International Transfers

We do not transfer your personal data outside the European Economic Area (EEA).

8. How we protect your information

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.



We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so. However we have put in place various security procedures as set out in this policy.

9. Data Retention

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Please contact us if you would like further information in relation to the retention periods for different aspects of your personal data by sending an email either to privacy@jbrearley.co.uk or to your usual contact at the firm.

In some circumstances you can ask us to delete your data: see **Request erasure below** for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

10. Your Legal Rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. More information about these rights is set out below.

You have the right to:

- **Request access** to your personal data (commonly known as a “data subject access request”). 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 data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us



continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your 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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request 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 data's accuracy; (b) where our use of the 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 data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party. 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.
- **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 wish to exercise any of the rights set out above, please email us on either privacy@jbrearley.co.uk or your usual contact at the firm.

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



James Brearley

Investment Managers & Stockbrokers
Established 1919

Member of the London Stock Exchange

Authorised & Regulated by
the Financial Conduct Authority

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

11. Complaints

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance by email on privacy@jbrearley.co.uk.

12. Updating your details

If any of the information that you have provided to us changes, please let us know the correct details by emailing or telephoning your usual contact at the firm as it is important that the personal data we hold about you is accurate and current.