

# Privacy policy

## A. WHO ARE WE?

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The website at [www.fmconsult.co.uk](http://www.fmconsult.co.uk) (our "**Website**") is owned and operated by Fleming McGillivray & Co Limited ("FMConsult") for the benefit of our clients. Please see the relevant website pages for information about FMConsult Offices that operate in another country than the UK, including information as to the identities and contact details of the relevant entities.

FMConsult is a data controller of Personal Information (as defined below) collected on the Website. Where FMConsult shares Personal Information with the other Offices, these Offices are also data controllers as explained in this Privacy Notice. Please see below for more information on how FMConsult shares Personal Information collected on the Website with the FMConsult Offices.

FMConsult is a compliance and regulatory consultant providing services to its clients. It has its head office at: Fleming McGillivray & Co Limited, 2nd Floor, 10 Arthur Street, London, EC4R 9AY. The contact email address is [help@fmconsult.co.uk](mailto:help@fmconsult.co.uk). Its contact telephone number is: **Tel:** 020 7220 9071 **Fax:** 020 7623 9307.

FMConsult is the trading name of Fleming McGillivray & Co Ltd. Fleming McGillivray & Co Ltd is a company registered in England and Wales with company number 5290388.

In this Privacy Notice, references to "we", "us" or "our" means FMConsult and/or the other Offices. References to "you" and "your" are to users of our Website.

## B. APPLICATION OF THIS PRIVACY NOTICE

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This Privacy Notice describes how we collect, use and otherwise handle "**Personal Information**" that you provide or make available to us, or that we collect from you, when you use our Websites, and explains the circumstances in which we may transfer this to others.

"**Personal Information**" is information relating to you, which can be used to personally identify you (either directly or indirectly).

Our Privacy Notice must be read together with any other legal notices or terms and conditions available on other pages of our Website. As FMConsult is an international firm, operating from several jurisdictions, various country-specific requirements may apply to your use of our Website.

## C. HOW, WHEN AND WHY DO WE COLLECT AND USE PERSONAL INFORMATION?

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### 1. Information that we collect

The types of information that we may collect from you, depending on how you use our Websites include:

- a. your name;
- b. your email address;
- c. your address (business and personal);
- d. your landline and mobile telephone numbers (business and personal);
- e. any other information that you choose to provide to us when filling out a contact form on our Website;
- f. your geographic location (country/territory where you are living and/or working);
- g. your job title, role and the name of your employer;

- h. the specific part of the industry in which you work; and
- i. your C.V. and covering letter (if you apply for a vacancy with us on our Website).

## 2. How we use your Personal Information

**Contact Forms** - we may collect your Personal Information, which you choose to provide when you fill in any forms on our Website, including the information set out in above. We may use this Personal Information to respond to your queries, and/or provide the services and/or information that you have requested.

We may tell you about any events and seminars, and send you our Regulatory Updates. Your agreement to the use of your Personal Information for these purposes is optional. If you decide not to subscribe to these, we will not send you them, but your use of our Website will remain otherwise unaffected.

You are entitled to opt-out from receipt of any communications from us at any time. You can use the "unsubscribe" option included in all our e-mails. Alternatively, you can email us at [help@fmconsult.co.uk](mailto:help@fmconsult.co.uk) who will process "unsubscribe" requests for you. When you unsubscribe we will keep a record of this, and once your request has been processed, you will stop receiving communications. You can still use our Website once you have unsubscribed.

**Our Business Purposes** - we may use your Personal Information for our business purposes such as:

- record keeping, statistical analysis, internal reporting and research purposes;
- to ensure network and information security;
- to notify you about changes to our services;
- to investigate any complaint you make;
- to provide evidence in any dispute or anticipated dispute between you and us;
- to customise various aspects of our Website to improve your experience;
- to host, maintain and otherwise support the operation of our Website;
- for the detection and prevention of fraud and other criminal offences and for risk management purposes;
- for business and disaster recovery (e.g. to create back-ups);
- for document retention/storage;
- for database management;
- to protect the rights, property, and/or safety of FM Consult, its personnel and others; and
- to ensure the quality of the services we provide to our users

In addition, we may use your Personal Information for further specific purposes made clear at the point of collection on particular pages of our Website.

If you choose not to provide Personal Information requested by us, we may not be able to provide you with the information and/or services you have requested or otherwise fulfil the purpose(s) for which we have asked for the Personal Information. Aside from this, your visit to our Website will remain unaffected.

## 3. Legal grounds for collection and use of Personal Information

We ask for your consent to process your personal information in relation to our regulatory newsletters and in some cases for recruitment purposes (where this is made clear to you at the point where you provide your information). In other cases, we process your personal information where we need to do so:

- to comply with our legal and regulatory obligations;
- for our legitimate interests in:
  - responding to your queries;
  - providing services and/or information to you;
  - recruiting personnel (except where we ask for your consent as mentioned above); and
  - our internal business purposes, as set out in 2. above.

**You can object to processing based on our legitimate interests at any time by contacting us. See also "Your Rights – The right to object" below.**

We consider that the risk to your data protection rights in connection with Personal Information that we process on the basis of our legitimate interests is not excessive or overly intrusive. We have also put in place protections for your rights by ensuring proper retention periods and security controls.

If you would like to find out more about the legal grounds on which we process your Personal Information for a particular purpose you can contact us.

## 4. Cookies

Where you use our Websites, we will process your Personal Information collected by using cookies in accordance with our Cookie Policy.

## 5. Information from other sources

Where permissible under applicable laws, we may combine information that you have provided to us with other information that we already hold about you and which we have collected for a compatible purpose.

## D. HOW AND WHEN DO WE SHARE INFORMATION WITH THIRD PARTIES?

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Some services that we provide require the involvement of third parties. We have carefully selected these third parties and taken steps to ensure that your Personal Information is adequately protected. Details about how we share Personal Information with third parties is set out below:

### 1. Google Analytics

Our Websites use Google Analytics, a web analysis service provided by Google Inc. ("Google"). Google Analytics works using cookies.

Google Analytics cookies collect your IP address, however because IP anonymisation is used on our Websites, your IP address will be shortened (and therefore anonymised) as soon as technically possible and before it is stored or otherwise used in connection with Google Analytics.

The anonymisation process takes place within the European Union or the European Economic Area, except in exceptional cases, where your full IP address may be sent to a Google server in the U.S.A. and shortened there.

We use the information collected by Google Analytics cookies to find out about how visitors use our Websites.

The IP address sent by your browser in connection with Google Analytics will not be combined by Google, with other data.

You can prevent Google Analytics cookies from being stored by setting your browser software accordingly (see our Cookie Policy for further information). However, please note that you may not then be able to make full use of all the Websites' functions.

You can also opt-out of Google Analytics by downloading and installing the browser plug-in available at the following link: <http://tools.google.com/dlpage/gaoptout?hl=en>.

### 2. Sharing within FMConsult and to Service Providers

FMConsult may share your Personal Information with other FM Consult Offices:

- if you ask that we should do so;
- where we need to do so in order to provide the services or information that you have requested.

When an FMConsult Office would like to use your Personal Information for a new purpose, they will let you know about this first.

We may also share your Personal Information with our third party service providers based in the European Economic Area (“**EEA**”) who we engage to provide support services in relation to our Website for the purposes of: hosting and maintaining our Websites; providing data storage; assisting us with database management, and in order to assist us with related tasks or processes.

All of our service providers are bound by written contract to process Personal Information provided to them only for the purpose of providing the specific service to us and to maintain appropriate security measures to protect your Personal Information.

### 3. Sharing with other third parties

We may share your Personal Information with:

- our accountants, auditors, lawyers or similar advisers when we ask them to provide us with professional advice;
- any other third party if we are under a duty to disclose or share your Personal Information in order to comply with any legal obligation, or to protect the rights, property and/or safety of FMConsult, our personnel or others;
- any other third party for the purposes of acting in accordance with the requirements of a court, regulator or government agency, for example, complying with a search warrant or court order or acting in accordance with an applicable law or regulation; or
- investors and other relevant third parties in the event of an actual potential sale or other corporate transaction related to FMConsult.

## E. INTERNATIONAL TRANSFERS

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The transfer of your Personal Information to and between FMConsult Firms as described in this Privacy Notice, may involve your Personal Information being sent outside of the EEA, to locations that may not provide the same level of protection as those where you first provided the information.

However, we will only transfer your Personal Information outside of the EEA:

- where the transfer is to a place, or by a method or in circumstances that is regarded by the European Commission as providing adequate protection for your Personal Information. For example, where we have put in place standard data protection clauses adopted by the European Commission; or
- the above does not apply but we are still legally permitted to do so, for example if the transfer is necessary for the establishment, exercise or defence of legal claims.

Full details of the locations of the FMConsult Offices see the website.

You can request further detail about the safeguards that we have in place in respect of transfers of Personal Information outside of the EEA and where applicable a copy of the standard data protection clauses that we have in place, by contacting us.

## F. HOW LONG DO WE STORE PERSONAL INFORMATION?

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It is our policy to retain your Personal Information for the length of time required for the specific purpose or purposes for which it was collected. However, we may be obliged to store some Personal Information for a longer time, taking into account factors including:

- legal obligation(s) under applicable law to retain data for a certain period of time;
  - statute of limitations under applicable law(s);
  - (potential) disputes and
  - guidelines issued by relevant data protection authorities

Whilst we continue to process your Personal Information, we will ensure that it is treated in accordance with this Privacy Notice. Otherwise, we securely erase your information once this is no longer needed.

If you would like to find out how long we keep your Personal Information for a particular purpose you can contact us. For more information on how long cookies are stored, please refer to our Cookie Policy.

## G. SECURITY

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Our Websites are hosted on servers in the EEA. We employ appropriate security measures to help protect your Personal Information and guard against access by unauthorised persons. Information storage is on secure computers in a locked and certified information centre and information is encrypted wherever possible. We undergo periodic reviews of our security policies and procedures to ensure that our systems are secure and protected. However, as the transmission of information via the Internet is not completely secure we cannot guarantee the security of your information transmitted to our Websites.

## H. CONFIDENTIALITY

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We acknowledge that the information you provide may be confidential. We do not sell, rent, distribute or otherwise make Personal Information commercially available to any third party, except that we may share information with our service providers for the purposes set out in this Privacy Notice. We will maintain the confidentiality of and protect your information in accordance with our Privacy Notice and all applicable laws.

## I. YOUR RIGHTS

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The following section explains your rights. The various rights are not absolute and each is subject to certain exceptions or qualifications. We will grant your request only to the extent that it follows from our assessment of your request that we are allowed and required to do so under data protection laws. Nothing in this Privacy Notice is intended to provide you with rights beyond or in addition to your rights as a data subject under data protection laws.

<b>Your Rights</b>	<b>What does this mean?</b>
<b>1. The right to be informed</b>	You have the right to be provided with clear, transparent and easily understandable information about how we use your Personal Information and your rights. This is why we are providing you with the information in this Privacy Notice.
<b>2. The right of access</b>	You have the right to obtain a copy of your Personal Information (if we are processing it), and other certain other information (similar to that provided in this Privacy Notice) about how it is used. This is so you are aware and can check that we are using your information in accordance with data protection law. We can refuse to provide information where to do so may reveal Personal

<b>3. The right to rectification</b>	Information about another person or would otherwise negatively impact another person's rights.
<b>4. The right to erasure</b>	You can ask us to take reasonable measures to correct your Personal Information if it is inaccurate or incomplete. E.g. if we have the wrong name or address for you.
<b>5. The right to restrict processing</b>	This is also known as 'the right to be forgotten' and, in simple terms, enables you to request the deletion or removal of your Personal Information where there's no compelling reason for us to keep using it or its use is unlawful. This is not a general right to erasure; there are exceptions, e.g. where we need to use your Personal Information in defence of a legal claim.
<b>6. The right to data portability</b>	You have rights to 'block' or suppress further use of your Personal Information when we are assessing a request for rectification or as an alternative to erasure. When processing is restricted, we can still store your Personal Information, but may not use it further. We keep lists of people who have asked for further use of their Personal Information to be 'blocked' to make sure the restriction is respected in future.
<b>7. The right to object</b>	You have rights to obtain and reuse certain Personal Information for your own purposes across different organisations.
	You have the right to object to certain types of processing, on grounds relating to your particular situation, at any time insofar as that processing takes place for the purposes of legitimate interests pursued by us or by a third party. We will be allowed to continue to process your Personal Information if we can demonstrate "compelling legitimate grounds for the processing which override your interests, rights and freedoms" or we need this for the establishment, exercise or defence of legal claims.

## J. HOW TO CONTACT US

If you wish to request further information or exercise any of the above rights, or if you are unhappy with how we have handled your Personal Information, contact us here: [help@fmconsult.co.uk](mailto:help@fmconsult.co.uk). Please provide as much information as possible to help us identify the information you are requesting, the action you are wanting us to take and why you believe this action should be taken.

Before assessing your request, we may request additional information in order to identify you. If you do not provide the requested information and, as a result we are not in a position to identify you, we may refuse to action your request.

We will generally respond to your request within one month of receipt of your request. We can extend this period by an additional two months if this is necessary taking into account the complexity and number of requests that you have submitted.

We will not charge you for such communications or actions we take, unless:

- you request additional copies of your Personal Information undergoing processing, in which case we may charge for our reasonable administrative costs, or
- you submit manifestly unfounded or excessive requests, in particular because of their repetitive character, in which case we may either: (a) charge for our reasonable administrative costs; or (b) refuse to act on the request

If you are not satisfied with our response to your complaint or believe our processing of your Personal Information does not comply with data protection law, you can make a complaint to the relevant EU data protection authority where you are located. The contact details for each EU data protection authority can be found here: <http://ec.europa.eu/justice/article-29/structure/data->

[protection-authorities/index\\_en.htm](https://ico.org.uk/). In the UK the authority is the Information Commissioners Office (ICO) <https://ico.org.uk/>. Telephone 0303 123 1113.

## K. CHANGES TO THIS PRIVACY NOTICE

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We may make minor changes to our Privacy Notice. When we make these changes we will publish the updated Notice on our Website. If we make any significant changes, we will take additional steps to inform you of these.

## L. COUNTRY SPECIFIC PROVISIONS

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FMConsult has offices in the below two countries, and any Personal Data transfers will comply with relevant requirements.

### 1. Ireland

FLEMING MCGILLIVRAY & Company (**Ireland**) Limited  
Shanowen Business Centre  
Shanowen Road  
Santry  
Dublin 9  
**Tel:** +353 87 2599510  
[www.fmconsult.ie](http://www.fmconsult.ie)

### 2. USA

FLEMING MCGILLIVRAY & Co (**USA**) LLC  
PO Box 4092  
Huntington  
NY 11743  
**Tel:** +1 917.769.0059  
[www.fmconsult.us](http://www.fmconsult.us)