

# APPOINTED REPRESENTATIVES PRIVACY POLICY

## **APPLICANTS TO THE NETWORK, NETWORK APPOINTED REPRESENTATIVES, ADVISERS, ADMINISTRATORS AND INTRODUCERS**

PRIMIS Mortgage Network (the Network, we, our, us).

Thank you for taking the time to read this Privacy Notice. You are reading this Privacy Notice because you have either applied to become part of our Appointed Representative (AR) Network or are already associated with the Network in some way. This Privacy Notice explains how we will use and process information that relates to you and your rights in relation to that processing.

We will process your information during:

- your initial enquiries to, or preliminary discussions with, the Network and your application
- the period with which you may be associated with us by any contract we may have; and
- after any such contract has terminated

and therefore the contents of this Privacy Notice will apply to you and the use of your information as the case may be, in some or all of these phases.

## **OUR RESPONSIBILITIES UNDER LAW AND REGULATION**

The Network is authorised and regulated by the Financial Conduct Authority (FCA). The Network is responsible for the quality of the advice that its ARs provide to customers in relation to mortgage; insurance; pension; investment and wealth management products, where those products are regulated by the FCA.

Being regulated by the FCA means that we are subject to a number of detailed rules and regulations that operate to ensure that we undertake appropriate due diligence measures on (1) any application we receive and (2) ARs, advisers and introducers (when required) following appointment by the Network.

Our obligation is to assess that:

- applicants to the Network who it is proposed will (1) perform regulated activities on our behalf, or (2) perform certain roles within an AR or (3) otherwise make introductions or referrals to an AR; and
- persons appointed by the Network to carry out any of these roles
- in each case meet the regulatory requirements that apply to the relevant role.

The tasks associated with this are referred to generally in this Privacy Notice as **Fit and Proper Checks**. These checks cover the following three broad areas of assessment:

- Honesty and integrity
- Competence and capability; and
- Financial soundness

FCA rules also require the Network to operate systems and controls to manage general business risks. This means that we may assess business plans, marketing, product and proposition models, methods of customer acquisition, remuneration and incentive arrangements, business structures, data security, introducer and referral

arrangements and anything else we consider relevant to be able to discharge our responsibility to effectively and appropriately manage risk in our business. These assessments could be carried out on application or at any point during your association with us. The tasks associated with this are referred to generally in this Privacy Notice as **Business Model Checks**.

The process that we will undertake on applicants and persons subsequently appointed, including (when required) Fit and Proper Checks and Business Model Checks, is referred to in this Privacy Notice as **Due Diligence**.

## TYPES OF APPLICATIONS AND ROLES WITHIN THE NETWORK

The extent to which we are required to undertake Due Diligence will depend upon the type of role you are seeking or already carry out. The following summarises our categories of roles and explains, who, in connection with that role, will be the focus of our Due Diligence and requests for personal information (referred to generally in this Privacy Notice as **Role(s)**):

<u>Type of Role</u>	<u>Focus of Network Due Diligence/information request:</u>	
<b>Appointed Representative</b>	*Limited company or limited partnership	*Pa
<b>Owners and Managers of an Appointed Representative</b>	*Director/partner and/or shareholder and/or controller/member of a limited company or limited partnership	*Pa
<b>Support to an Appointed Representative</b>	*Individual adviser within any of the AR types in the first row	Ind the
<b>Introducer to the Network</b>	Limited company or limited partnership *Introducer AR or introducer	Par
<b>Owners and Managers of an introducer to the Network</b>	Director/partner and/or shareholder and/or controller/member of a limited company or limited partnership applicant for *Introducer AR or introducer status	Par intr

The Roles marked with a \* above are subject to the highest level of Due Diligence by the Network and are referred to in this Privacy Notice as having specific **Regulatory Status**. Applications submitted by a limited company, limited partnership or general partnership for a Role with Regulatory Status will each contain personal data of officers, employees or partners of those applicants whose personal data will be processed by the Network in accordance with the terms of this Privacy Notice.

**It is the responsibility of the applicant concerned to draw the contents of this Privacy Notice to any person whose data will be processed by the Network as a consequence of the submission of the application, and who would not otherwise receive their own communication from the Network to consider the contents of this Privacy Notice.**

## WHAT INFORMATION WILL THE NETWORK PROCESS THAT RELATES TO YOU?

Applicants for, and persons carrying out, all Roles will provide the Network with personal information relating to title, name, gender, address, date of birth, nationality, and contact information (including e-mail addresses and mobile telephone numbers) (together **Your Basic Information**).

Dependent upon the Role applied for or carried out, you may be required to provide more detailed information, which is likely to comprise some or all of the following (together **Your Detailed Information**):

- Documents that are necessary to verify your identity
- Past employment history, including details of persons who may be approached to provide a professional reference
- Information relevant to your eligibility to work in the United Kingdom
- Details of offices, directorships and similar positions held in the past
- Your experience, qualifications and records to evidence any continued professional development undertaken
- (where there are any gaps in your employment history that may be linked to your health) Details of medical conditions (further details are provided below specifically with regard to the processing we may undertake in relation to this type of information); and
- A breakdown of your personal assets and liabilities, bank account details, taxation filing and payment information, loans and credit commitments, sources of income and expenditure, family circumstances and details of dependents
- Details of your business/sales performance, both actual and projected

Specifically, Roles with **Regulatory Status** will require us to process:

- a report detailing your individual credit history; and
- information relevant to enable the Network to appropriately assess your honesty and integrity including information relating to historic or current criminal convictions or offences (together "**Criminal Disclosures**") and to enable the Network to undertake all relevant searches in relation to your conduct generally.

Your Basic Information and Your Detailed Information are referred to generally in this Privacy Notice as **Your Information**. Your Information essentially means any information describing or relating to you. Your Information may identify you directly, for example your name, address, date or birth, National Insurance number and the like. Your Information 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.

Our Due Diligence may require you to explain periods of absence of work that are due to illness or injury. Where you provide us with these details the Network will also process data that relates to your health and medical history (**Your Special Data**). Your Special Data and any Criminal Disclosures will be used by us in the same way as Your Information generally, as set out in this Privacy Notice for the duration of any association you may have with us and after its termination.

## THE BASIS UPON WHICH THE NETWORK WILL DEAL WITH YOUR INFORMATION, YOUR SPECIAL DATA AND/OR CRIMINAL DISCLOSURES

When you apply for a Role or carry out a Role, you will establish a contractual relationship with us in the relevant capacity. The Network will process Your Information, Your Special Data and/or Criminal Disclosures in order to give effect to and to carry out its obligations under any such contract that is entered into between us.

We have set out above that we have overall responsibility in law to undertake Due Diligence in relation to you, depending on the Role you propose to carry out, or actually, carry out for us. Your Information, Your Special Data and/or Criminal Disclosures will also be processed by us to *enable us to comply with these legal obligations*.

We also have the right to use Your Information, Your Special Data and/or Criminal Disclosures at any time 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 and product providers relating to your connection with the Network and the business you may place with them, including the processing of any procurement fees or commission. You will also receive information in relation to product innovation, features and terms and conditions either from the Network or directly from mortgage lenders and/or product providers.

We may at any time, use Your Information, your Special Data and/or Criminal Disclosures to enable us to meet any contractual responsibilities we may owe lenders or providers or for wider compliance with any legal or regulatory obligation to which we might be subject, including any obligations we may have to you. This includes sharing Your Information and Your Special Data and/or Criminal Disclosures with all applicable regulators such as the FCA and the Information Commissioner.

When we process your Special Data and any Criminal Disclosures we do so on the basis you have provided your prior explicit consent, so that we may continue to meet our own obligations as set out generally in this Privacy Notice.

If you visit our websites we may use IP addresses, URLs of requested resources, timestamps and HTTP user agents to analyse trends, administer the system and gather broad demographic information for aggregate use.

In addition to this we may use third party services to monitor your use of our Site, including Google Analytics, a web analytics service provided by Google, Inc ("Google"). Google Analytics use cookies to help analyse how visitors use our site. The information generated by the cookie about the use of our Site (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purpose of evaluating your use of our Site, compiling reports on Site activity and providing other services relating to Site activity and internet usage. Google may also transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf. Google will not associate your IP address with any other data held by Google. You may refuse the use of cookies by selecting the appropriate settings on your web browser, however, please note that if you do this you may not be able to make full use of our Site. By using this Site, you consent to the processing of data about you by Google in the manner and for the purposes set out above.

## **HOW DOES THE NETWORK COLLECT YOUR INFORMATION, YOUR SPECIAL DATA AND/OR CRIMINAL DISCLOSURES**

We will collect and record Your Information from a variety of sources, but mainly directly from you. You may provide information to us directly for example, when completing an application form or supply us with information requested by us as we carry out our Due Diligence.

In addition Your Information will comprise information from the following sources:

- Companies House
- FCA
- Information Commissioner
- HMRC
- Other regulatory, supervisory, professional, trade or law enforcement bodies or organisations
- Credit reference agencies
- On-line services that may be used to establish or verify your identity
- Social and business networks (such as Facebook and Linked-In)
- On-line engine results (such as Google)
- Former, networks, employers or persons to whom you may have provided consultancy services
- Mortgage lenders or product providers

## **WHAT HAPPENS TO YOUR INFORMATION, YOUR SPECIAL DATA AND/OR CRIMINAL DISCLOSURES WHEN IT IS DISCLOSED TO THE NETWORK?**

In the course of handling Your Information, Your Special Data and/or Criminal Disclosures we will:

- record and store Your Information, Your Special Data and/or Criminal Disclosures on our systems run on secure servers
- provide duly authorised employees and consultants within, or engaged, by us (or by any member of the LSL Property Services PLC group of companies who may provide services to us) with access to Your Information, Your Special Data and/or Criminal Disclosures as necessary for the purposes of carrying out our Due Diligence either prior to your appointment to a Role and then subsequently to give effect to any contract that has been entered into between you and the Network, including, but not limited to, the carrying out of supervision and monitoring of the service you may provide to customers, the payment of commissions, to provide you with access to systems necessary to perform your Role and to operate any business development or sales support initiatives we may consider to be in our legitimate interests to operate, such as conferences and recognition and reward initiatives
- use, and where appropriate transmit, Your Information, Your Special Data and/or Criminal Disclosures to respond to any request from the FCA, the Financial Ombudsman Service, HMRC, the Office of the Information Commissioner or any other regulatory, law enforcement or governmental body; and
- need to access and process Your Information, Your Special Data and/or Criminal Disclosures to deal with enquiries received from mortgage lenders and product providers that relate to the service that you may provide to customers, including the payment of any commission or fees to us that may be linked to the product you have arranged and that may be due to you.

## **SECURITY AND RETENTION OF YOUR INFORMATION, YOUR SPECIAL DATA AND/OR CRIMINAL DISCLOSURES**

Your privacy is important to us and we will keep Your Information, Your Special Data and/or Criminal Disclosures secure in accordance with our legal responsibilities. We will take reasonable steps to safeguard against Your Information being accessed unlawfully or maliciously by a third party, accidentally lost, destroyed or damaged. 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 sent to us.

Your Information, Your Special Data and/or Criminal Disclosures will be retained by us in accordance with the Network data retention policy published separately and accessible via The Hub (Network Intranet) or on request.

The Network has responsibility to ensure the suitability of advice or recommendations provided by you to customers, and to respond to and investigate any complaint that may be made against you. The rules and regulations of the FCA do not generally provide for any automatic time bar after which customers would be prevented from making a complaint to us (the exception being payment protection insurance). We will therefore keep a record of products and services that have been provided to customers by you for as long as we consider reasonably necessary to be able to discharge our obligations to customers.

## **YOUR RIGHTS IN RELATION TO YOUR INFORMATION, YOUR SPECIAL DATA AND/OR CRIMINAL DISCLOSURES**

You can:

- request copies of Your Information, Your Special Data and/or Criminal Disclosures that is under our control
- ask us to further explain how we use Your Information, Your Special Data and/or Criminal Disclosures
- ask us to correct, delete or require us to restrict or stop using Your Information, Your Special Data and/or Criminal Disclosures (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 Information, Your Special Data and/or Criminal Disclosures to another organisation should you wish
- withdraw any consent you may have provided to us processing Your Special Data and/or Criminal Disclosures (and any implication of you exercising this right will be explained to you at the time of any such request)

## **SHARING AND TRANSFERRING YOUR INFORMATION, YOUR SPECIAL DATA AND/OR CRIMINAL DISCLOSURES**

From time to time Your Information, Your Special Data and/or Criminal Disclosures will be shared with or transferred to:

- mortgage lenders and product providers
- contractors or suppliers who we may engage to assist us with any Network monitoring or supervision activities

- suppliers of IT systems, software, hardware, sourcing systems, quotation engines, electronic ID providers, credit reference providers and any other person who, in each case, we consider need to process Your Information
  - our professional indemnity insurers, brokers, claims handlers and legal advisers and another person who may provide professional services in connection with the handling of a complaint, litigation or investigation or in connection with the interpretation or enforcement of the terms of any contract we may have entered into with you
  - any person we may engage in connection with any investigation to detect, prevent or investigate financial crime, including those that may be carried out by or in conjunction with mortgage lenders, product providers and regulators
  - any person who may request a reference from us in the future in relation to you and/or your period of association with the Network;
  - other Network members, if we publish your business/sales results in regional and network-wide league tables to promote and recognise high performance and as part of our fulfilment of our recognition and reward strategy;
  - third party venue, catering and/or event management providers who assist us with the operation and delivery of regional and network-wide events; and
  - LSL Property Services plc, the ultimate parent company of the Network, and any associated company who may provide services to the Network from time to time
- in each case for the purposes set out in this Privacy Notice, **i.e. to enable us to comply with our contract that we might enter into with you, to comply with our legal obligations to you, to further our legitimate interests and to detect or prevent financial crime.**

These parties may be located in the UK or elsewhere in the world where different privacy laws may apply which may not offer the same level of protection as UK law. We only make these arrangements or transfers where we are satisfied that adequate levels of protection are in place to protect any information held in that country and that the service provider acts at all times in compliance with applicable privacy laws.

## **HOW TO MAKE CONTACT WITH THE NETWORK IN RELATION TO THE USE OF YOUR INFORMATION, YOUR SPECIAL DATA AND/OR CRIMINAL DISCLOSURES**

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:

**PRIMIS Data Protection Officer:** Raj Lyall

**E-mail:** [dpo@primis.co.uk](mailto:dpo@primis.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.

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

If you have any concerns or complaints as to how we have handled Your Information, Your Special Data and/or Criminal Disclosures you may lodge a complaint with the UK's data protection regulator, the 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.

PRIMIS Mortgage Network is a trading name of each of Advance Mortgage Funding Limited, First Complete Limited and Personal Touch Financial Services Limited.

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