

INTRODUCTION TO GDPR AND 'SPECIAL CATEGORY' DATA

The new EU General Data Protection Regulation (often referred to as GDPR) came into force on May 25th 2018. This Regulation replaces the previous EU regulation on data protection implemented by the UK Data Protection Act 1998. It is designed to provide enhanced rights to individuals regarding the use of their personal data. In providing our services to you and in receiving and recording your personal data, Sarasin & Partners LLP act as a 'Data Controller' for the purposes of the Regulation, and under the new rules, we are generally permitted to process your personal data where it is necessary for the performance of our services to you. However, certain sensitive, 'Special Category', data merits higher protection under the new Regulations. As such GDPR prescribes that we are required to obtain your explicit consent to the processing of any such 'Special Category' data. The consent we receive from you must be 'freely given, specific, and informed, and unambiguous'. Therefore, we would like to ensure that you are aware and understand the following:

WHAT IS 'SPECIAL CATEGORY' DATA?

'Special Category' data includes (but is not limited to) details about racial or ethnic origin, sexual orientation, religious beliefs, biometric data, or data concerning health. Sarasin does not actively collect or process any special category data, but as a regulated entity, under the UK FCA rules, we are required to note down any health conditions that may arise in the context of a Client Suitability Assessment where we are obliged to take into account any factors that may impact the investment policy and objectives we select and agree with you.

FOR WHAT PURPOSES WE CAN USE HEALTH RELATED DATA

In agreeing to our gathering, processing, storage of such health related data, we will only use it in connection with our assessment of the suitability and appropriateness of investment products selected for you and in creating your long term investment goals. We will not use it to make any automated decisions or conduct any profiling for marketing purposes.

HOW WE WILL TREAT YOUR HEALTH RELATED DATA

All health related data is, and will be, treated in the strictest confidence and we will not transfer any such data to any external parties or third party processors.

YOUR RIGHT TO WITHDRAW CONSENT

You have the right to withdraw your consent to our processing of your health related data at any time, and upon receiving notification of your withdrawal of consent, we will cease processing such information without undue delay.

However, you should be aware that withdrawing your consent may mean that we are no longer able to provide you with discretionary management services, should the information be deemed integral to our suitability review to the extent that omitting to record it would cause us to be in breach of our regulatory duties. Where you withdraw your consent, this will not affect the lawfulness of the processing of such health related data prior to your withdrawal of such consent.

HOW LONG WE WILL HOLD IT, AND YOUR RIGHT TO ACCESS YOUR DATA

In accordance with the UK FCA Rules and our Data Retention Policies, we will continue to hold such health related data for a period of 7 years from the date of termination of your portfolio.

You have the right to request access to, and provision of, your health related data in a suitable format, and where you disagree how we have recorded any of it, you can ask for it to be rectified and/or deleted.

Please note that where we have a regulatory duty to maintain Know Your Client (KYC) and Anti-Money Laundering (AML) files in accordance with our regulatory duties and our data retention policies, we may redact the particular health issue in question but it may not be possible to delete mention of the entire existence of a health related issue if it heavily influenced our suitability assessment at the time and we therefore deem it necessary for compliance with our regulatory obligations.

WHAT IF WE HOLD HEALTH RELATED DATA ABOUT OTHER PARTIES?

We may need to process health related data that is provided to us concerning other individuals (which may include your family members) to the extent that it should be or become relevant to assessing your investment policy and objectives. You represent to us that you have provided this document to the relevant individuals, where possible, and that you have obtained the relevant individual's permission to provide their consent to our use of such data (for the limited purposes described above). We reserve the right to contact the relevant individual directly, and you agree to provide us their contact details on request, should we need to verify this.

If you have any questions regarding the above, please contact dataprotection@sarasin.co.uk



