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Global Markets Group

DATA PROTECTION POLICY

v1.0 – 2016(01)

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Authorised and regulated by the Financial Conduct Authority under Firm Reference Number: 744501

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INTRODUCTION

Usage of this Data Protection policy must be in conjunction with Global Markets Group's ("GMG") Compliance Manual and other company policies and procedures currently in effect and those yet to be introduced.

Reference to the Compliance Officer throughout this policy includes in his absence, his appointed deputy. For the benefit of clarity an appointed deputy will be defined as any one person from:

(i) The Managing Director ("MD"), being a Financial Conduct Authority ("FCA") Approved Person;

(ii) In the absence of (i) above, another Director of GMG, also being an FCA Approved Person and in association with (iii) below;

(iii) The Compliance Assistant (if required).

References to the masculine include the feminine. Items in italics have their essence defined in the FCA's Glossary. Refer to the Compliance department if you require further information. This Data Protection policy must not be reproduced or provided to third parties without prior reference to the Compliance Officer and their subsequent approval.

Sponsor

This policy is sponsored by GMG's Executive Management and will be maintained by the company's Compliance Officer, therefore any queries and / or suggestions for change should be addressed to the firm's Compliance Officer.

GMG's regulated status

GMG is currently authorised and regulated by the FCA under Firm Reference Number ("FRN") 744501.

Introduction to Data Protection

This Data Protection policy document ("DP") sets out GMG's rules and guidelines relating to the holding, processing and dealing with information, materials and data about individuals by GMG and its employees. It is designed to bring together the rights and obligations as set out in the Data Protection Act 1998 (the "Act")[1] and current best practice based on the guidance and other publications of the Information Commissioner.

GMG recognises the importance of respecting the personal privacy of all customers and employees together herein known as the "data subjects" and also the need to build appropriate safeguards governing the collection, storage, processing and utilisation of personal, sensitive data.

THE DATA PROTECTION ACT 1998

The Act replaces the Data Protection Act 1984 and regulates when and how a data subject's personal

[1] The Data Protection Act 1998 can be found in its entirety at http://www.legislation.gov.uk/ukpga/1998/29/contents

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data may be obtained, held, used, disclosed and processed. It applies to the computerised processing of personal data and also certain paper based data files and records.

Under the Act living individuals who are the subject of personal data have certain rights in relation to their data which will govern what GMG is allowed to do with it.

PERSONAL DATA RELATING TO GMG DATA SUBJECTS

Personal information

GMG holds and may hold information in its files relating to past, present and potential data subjects. It collects and maintains such data in order to meet its legitimate interests as a business and as an employer to comply with legislative and statutory requirements and to fulfil individual employment contracts with its staff.

Personnel record

A personnel record is any printed or hand-written document, microfiche or other digitised image, sound recording or computer file that refers by name or any other means of identification, to a past, present or potential data subjects. It should represent any information about any matter relating to such data subjects of a private or sensitive nature.

"Staff" definition

The term "staff" when used in this policy shall include all individuals who are, have been or have agreed to be an employee of GMG and who will be placed onto its payroll and shall include contract workers or interim staff employed at GMG's premises.

Data controller

GMG is registered with the Information Commissioner in the United Kingdom as a Data Controller under reference number 744501. however, members of staff may also act as Data Controllers either alone or jointly in common with other members of staff where personal data is to be used and they are responsible for determining the purposes and the manner in which any personal data are to be processed.

Data Protection Officer

GMG's Data Protection Officer ("DPO") will at all times be the Compliance Officer for the firm. The DPO is responsible for specialist data protection advice, enquiries and has overall responsibility for and will deal with the administration of this policy.

PROCEDURE

Data Protection "Principles"

In accordance with the eight **"Principles"** of the Act all personal data relating to GMG data subjects shall be:

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(i) Personal data processed fairly and lawfully and in particular, shall not be processed unless;

(a) At least one of the conditions in Schedule 2 is met; and
(b) In the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

(ii) Personal data obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;

(iii) Personal data adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;

(iv) Personal data shall be accurate and where necessary, kept up to date;

(v) Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes;

(vi) Personal data processed in accordance with the rights of data subjects under the Act;

(vii) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of or damage to, personal data; and

(viii) Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Schedule 2 – Relevant to Principle 1

Conditions relevant for purposes of the first principle being the processing of **any** personal data:

(i) The data subject has given their consent to the processing;
(ii) The processing is necessary:
  (a) For the performance of a contract to which the data subject is a party; or
  (b) For the taking of steps at the request of the data subject with a view to entering into a contract.
(iii) The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract;
(iv) The processing is necessary in order to protect the vital interests of the data subject;
(v) The processing is necessary:
  (a) For the administration of justice;
  (b) For the exercise of any functions conferred on any person by or under any enactment;
  (c) For the exercise of any functions of the Crown, a Minister of the Crown or a government department; or
  (d) For the exercise of any other functions of a public nature exercised in the public interest by any person.
(vi) And:
  (a) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any

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particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject; and

(b) The Secretary of State may by order specify particular circumstances in which this condition is or is not, to be taken to be satisfied.

1.1.1. Schedule 3 – Relevant to Principle 1

Conditions relevant for purposes of the first principle being the processing of **sensitive** personal data:

(i) The data subject has given their explicit consent to the processing of the personal data;

(ii) And:

(a) The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment; and

(b) The Secretary of State may by order:

(1) Exclude the application of sub-paragraph (a) in such cases as may be specified; or

(2) Provide that in such cases as may be specified the condition in sub-paragraph (a) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

(iii) The processing is necessary:

(a) In order to protect the vital interests of the data subject or another person, in a case where:

(1) Consent cannot be given by or on behalf of the data subject; or

(2) The data controller cannot reasonably be expected to obtain the consent of the data subject; or

(b) In order to protect the vital interests of another person in a case where consent by or on behalf of the data subject has been unreasonably withheld;

(iv) The processing:

(a) Is carried out in the course of its legitimate activities by anybody or association which:

(1) Is not established or conducted for profit; and

(2) Exists for political, philosophical, religious or trade-union purposes.

(b) Is carried out with appropriate safeguards for the rights and freedoms of data subjects;

(c) Relates only to individuals who either are members of the body or association or have regular contact with it in connection with its purposes; and

(d) Does not involve disclosure of the personal data to a third party without the consent of the data subject;

(v) The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject;

(vi) The processing:

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(a) Is necessary for the purpose of or in connection with any legal proceedings including prospective legal proceedings;
(b) Is necessary for the purpose of obtaining legal advice; or
(c) Is otherwise necessary for the purposes of establishing, exercising or defending legal rights;

(vii) And:
(a) The processing is necessary:
(1) For the administration of justice;
(2) For the exercise of any functions conferred on any person by or under an enactment; or
(3) For the exercise of any functions of the Crown, a Minister of the Crown or a government department.
(b) The Secretary of State may by order:
(1) Exclude the application of sub-paragraph (a) in such cases as may be specified; or
(2) Provide that in such cases as may be specified the condition in sub-paragraph (a) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

(viii) And:
(a) The processing is necessary for medical purposes and is undertaken by:
(1) A health professional; or
(2) A person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person was a health professional.
(b) In this paragraph "medical purposes" includes the purposes of preventative medicine, medical diagnosis, medical research, the provision of care and treatment and the management of healthcare services;

(ix) And:
(a) The processing:
(1) Is of sensitive personal data consisting of information as to racial or ethnic origin;
(2) Is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins with a view to enabling such equality to be promoted or maintained; and
(3) Is carried out with appropriate safeguards for the rights and freedoms of data subjects;
(b) The Secretary of State may by order specify circumstances in which processing falling within sub-paragraph (a)(1) and (2) is or is not, to be taken for the purposes of sub-paragraph (a)(3) to be carried out with appropriate safeguards for the rights and freedoms of data subjects; and

(x) The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph.

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Principal purposes of holding data on personnel files

The principal purposes for holding data relating to data subjects on files held by the Data Controller include but are not limited to:

(i) Recruitment, promotion, training, redeployment and / or career development;

(ii) The determination of a data subject's ability to trade designated investment products;

(iii) The calculation of payroll data and the transfer of such data for use by Finance staff and independent auditors including but not limited to details of bank / building society wage transfers and the payment of authorised expenses;

(iv) The determination and calculation of certain benefits;

(v) Compliance with statutory requests from regulators and other authorised agencies;

(vi) Disciplinary purposes arising from staff misconduct or incapability to discharge their duties; and

(vii) The provision of references / reports to financial institutions, qualified legal representatives, appropriate bodies in connection with the holding of public office, facilitate entry onto educational courses, permit participation on reserve military / civil protection services, assist qualified medical practitioners and potential future employers.

In all cases cited in (i) to (vii) above the relevant information will only be disclosed following a written request to or from the data subject concerned instructing the Data Controller and giving consent to the Data Controller to make such a disclosure.

Sensitive information – Staff only

The following categories of information are subject to statutory restriction and will only be held on file for specific and legitimate purposes:

Racial or ethnic origin

This will be recorded on personal files with the express permission of each data subject concerned. It will be recorded for statistical purposes in connection with "ethnic monitoring". It will be used to identify and keep under review the equality of opportunity or treatment between data subjects of different racial or ethnic origins with a view to enabling such equality to be promoted or maintained.

Political opinions

This is not an allowable, recordable topic for personal files.

Religious or philosophical beliefs

This is not an allowable, recordable topic for personal files.

Trade Union membership

This is not an allowable, recordable topic for personal files.

The processing of data concerning employee health

Only data relating to (i) to (iv) below will be held on file:

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(i) Occupational health;

(ii) Sickness absence records;

(iii) The chronic illness of a specific data subject in circumstances which may affect their ability to perform all aspects of their normal work; and

(iv) Data to comply with the Disability Discrimination Act (1995).

Data relating to (iii) and (iv) above will be collected and retained only with the express permission of the data subjects concerned. All staff having access to health records shall be instructed that such information must be treated as confidential.

Convictions

GMG also recognises the rights of data subjects under the Rehabilitation of Offenders Act 1974 and will maintain any conviction records on file for only those periods that are permissible under it.

Asylum and immigration

Under section 8 of the Asylum and Immigration Act 1996, GMG may request and hold copies of documents specified within the Act for all new and prospective staff. This will be carried out without prejudice to the rights of existing and potential staff under the Race Relations Act 1976.

Back up

GMG reserves the right to "back-up" data files and hold secure multiple copies of personal data relating to specific staff in order to protect its interests in the event of data loss.

Restriction of access to personal data

GMG may place all or part of its files onto a secure computer or computer network with restricted access to personal data. When implemented, access to data subject's data will be granted to the following Data Controllers within GMG for specific and legitimate purposes:

(i) Staff employed in the recruitment process;

(ii) The staff member's immediate manager;

(iii) Staff employed in the payroll section of the Finance department whether internal or external; and

(iv) Any specified, contracted computer bureau acting under the direction of a Data Controller employed to process internal corporate data and providing secure processing facilities and data access in line with statutory provisions and the requirements of GMG.

Evaluation based on the automated processing of data

No opinions shall be held on GMG's personnel files that are based **solely** on the **automated** processing of data intended to evaluate certain personal aspects relating to an individual data subject. This includes an employee's performance at work or their creditworthiness, reliability or conduct.

Further information

All data subjects have the right to know whether personal data relating to them is being processed. They

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have the right to receive information relating to the description of the data, the purpose(s) for which their personal data is to be processed, from whom it may be received and to whom it may be disclosed.

Data subjects have the right to receive a copy of such personal data and to correct any errors that exist on record about them. When further data is requested from them they should be advised if replies to such questions are obligatory or voluntary and potential consequences of failure to reply.

Access to personal files by data subjects

Reasonable access for staff

All staff shall have reasonable access to their own personnel files together with any medical reports and health records held by GMG under the terms of the Access to Health Records Act 1990[2] and the Act.

No charge shall be made to staff for the provision of this information. Staff wishing to gain access to this data should make a written request to the Data Controller. The provision of personal data relating to staff shall be satisfied within forty days from receipt of the written request.

GMG – Right to withhold data

GMG reserve the right to withhold data due to:

(i) Unreasonably continuous repeat requests from staff for personal data;

(ii) A request from a data subject for the release of specific information, compliance with which results in disclosing information relating to another data subject who can be identified from the source information provided. This will be waived where GMG is satisfied that the other data subject has consented in writing to the disclosure of the information to the data subject making the request; and

(iii) Any data which is excluded through legislation on the grounds of national security, breach of ethics for regulated professions or is relevant to any current investigation concerning any possible criminal / civil legal action.

(iv) Personal data are also exempt if they consist of a reference to be given in confidence by the Data Controller for the purposes of:

- (a) The actual or potential education, training or employment of the data subject;
- (b) The actual or potential appointment of the data subject; and
- (c) The actual or potential provision by the data subject of any service.

It is important to note that these exemptions apply to confidential references given to a third party. A data subject has the right to request a copy of a reference from the person to whom it was sent but not from its originator.

File inspections and chronology

Data subjects may examine existing files under arrangement and supervision by the Data Controller or his appointed deputy. The Data Controller will give appropriate guidance concerning the inspection of

[2] Access to Health Records Act 1990 can be found at http://www.hmso.gov.uk/acts/acts1990/Ukpga_19900023_en_1.htm

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computerised or manual files on request. No record may be altered or removed without the express permission of the Data Controller or his appointed deputy. The data supplied will whenever practicable, relate to the date when the request was first received.

Data amendments

Data subjects have the right to make a request for the amendment of their personal data provided that they can demonstrate the existence of an identifiable error, necessary update and relevant omission or prove that it is unlawful for the Data Controller to maintain such a record.

Retention

Records for all data subjects

ALL documentation whose content makes reference to the personal information of data subjects must be kept in accordance with all existing legislation and regulation in force at that time but in any case for no less than three years.

Retention beyond this period would require demonstration of a clear business need by GMG and require consent from the data subject. This applies to all data files including any notes taken at meetings as well as computerised files together with emails or other electronic communication. Care should be taken by staff at a meeting as all their notes become part of a data file and must be reproduced in a legible format within forty days if a written request is received by the Data Controller from the data subject.

Records for staff only

All staff data other than their name, job title, job description, department and period of employment at GMG should be deleted six years after employment has ended.

Data relating to the disciplinary and grievance records of current employees are removed from personal files once they become spent in accordance with GMG's disciplinary procedure detailed in its Staff Handbook and deleted three years from the date issued. Where disciplinary or grievance cases have involved concerns of sufficient severity or gravity, data will be deleted five years from the date issued.

Right to object

A data subject is entitled at any time by notice in writing to the Data Controller, to require GMG to cease from processing any personal data because it is causing or is likely to cause substantial damage or distress to them or another data subject. The reason(s) for this request must be clearly stated and specified at that time. The Data Controller must respond within twenty-one [21] days with their findings stating whether in their opinion, the request is unjustified and the extent to which they intend to comply with the demand.

GMG reserve the right to collate, process and disseminate statistics based on an aggregation of data held within its personnel files providing that no data subject(s) may be identified from the resulting analysis.

GMG respected rights – Staff only

All staff have a duty to respect the rights of GMG to protect any information relating to its products, services, methods, organisation, business and / or other development plans. This right will extend

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where applicable to copyrighted material, registered designs, design applications, "insider" financial details and all information of a commercially sensitive nature which is clearly understood by staff to be confidential and where no authorised use has been granted.

In the case of a dispute concerning any specific application of this policy the matter should be immediately brought to the attention of the Data Protection Officer.