

## Rawlinson & Hunter Zurich - Fair Processing Notice

### Introduction

This Fair Processing Notice will help you to understand what information we collect and process in connection with the services we provide as trustee, company director, accountant, and in connection with UK tax compliance.

When we refer to “Rawlinson & Hunter” within this Fair Processing Notice, we are referring to the Rawlinson & Hunter entities listed below which have their registered office and main business premises at Bellevueplatz 5, CH-8001 Zürich, Switzerland

#### Registered Entities

- Rawlinson & Hunter (Zurich) AG
- R&H Trust Co. (Zurich) Ltd
- and any affiliated companies

### Data protection framework

Rawlinson & Hunter is resident in Switzerland and is subject to the data protection laws of Switzerland. However, because of the connections that our business has in the UK and EU, we are also subject to the EU General Data Protection Regulation (“GDPR”) which took effect on 25 May 2018.

The data we collect is stored in Switzerland and our servers are located in Switzerland.

Rawlinson & Hunter has developed and implemented a data protection framework, which is the set of policies and procedures needed to ensure that the collection and processing of personal data is carried out in accordance with relevant legislation and good practice in a consistent way.

### The personal data we collect and process

We only collect the personal data necessary to complete the services we provide. A more detailed description of the services we provide can be found in this document and lists of what data we collect and examples of when we may be required to provide this data to external 3<sup>rd</sup> parties. Where we do provide data to a 3<sup>rd</sup> party the transfer is required as part of the proper provision of the service in question or as part of the fulfilment of our legal obligations – for example FATCA/CRS reporting to a government body.

### Sensitive personal data

During our compliance checks we will be required to collect personal data, and standard examples of the data to be collected are given in Appendix A. As part of our compliance checks and in the course of an ongoing fiduciary relationship we also may collect or receive sensitive personal data, examples of which are given in Appendix B. Please be assured that we will always ensure that this data is handled in a secure manner and will be stored in Switzerland. We may during the course of our engagement be required to collect additional data to re-verify your identity as required by our regulatory bodies, and this data will again be stored securely and in Switzerland.

## Children's personal data

We may at times collect personal data relating to children, although this is only required where the child is directly relevant to the services we are providing (for example, as the recipient of a trust distribution). Examples of the types of data that we are likely to hold are given in Appendix A, and it is also possible that we may collect or receive sensitive information, examples of which are given in Appendix B. Where this is the case we will always ensure that it is handled in an appropriately secure manner, and it will be stored in Switzerland.

## Services

We act as the trustee of trusts. The corporate trustee we use to provide this service is a Swiss company and the trustee services are provided out of Switzerland.

We act as directors of companies, whether stand-alone companies or companies owned by trusts for which we act as trustee. These companies may be incorporated and/or tax resident in other jurisdictions (e.g. the British Virgin Islands) and may have to comply with local laws concerning the holding of due diligence information, local reporting for tax and automatic exchange of information purposes, economic substance requirements and reporting, and the maintenance of beneficial ownership registers.

We provide administration services for trusts and companies.

We provide Accounting Services to companies and trusts.

We can assist individuals in UK tax compliance.

Accounting includes the preparation of management and financial accounts and the maintenance of ledgers.

In order to carry out each of the above services, we are required to collect information relating to our client entities and those individuals connected to them in order to fulfil our due diligence requirements under Swiss law.

The personal data that we collect in providing these services is usually supplied to us directly by parties for whom we provide services (or who are parties to those entities to which we are providing services), or by those parties' advisers.

The typical data that we may collect whilst providing these services is set out in Appendix A below.

## We may provide personal data to 3<sup>rd</sup> parties

During the course of our engagement we may need to provide personal data to 3<sup>rd</sup> parties whether located in Switzerland or in other countries. We only provide such information as is necessary, and in circumstances where the information is provided to relevant government agencies to fulfil statutory obligations or to companies where the disclosure is required: as a part of the services we are providing (e.g. the provision of due diligence information to a bank when opening a bank account); and/or is legally required to complete a transaction (e.g. the provision of due diligence information to estate agents and lawyers as part of a property transaction). Save as set out below, we will infer consent to such a transfer where the data transfer is a necessary part or a natural consequence of a transaction of which the data subject(s) or their representatives are aware.

In making any data transfer outside of Switzerland we will assess whether the jurisdiction to which the data is being transferred is one with equivalent data protection requirements as those in place in Switzerland, and in cases where this is not the case we will request the explicit consent of the data subject(s) or their representative before such data transfer was made unless required by law to make the transfer.

We will also submit personal data as part of the use of third party owned online due diligence tools in order to complete our client due diligence process, and will collect additional personal information to verify a client's identity.

Below is a summary of the types of organisation we may need to send personal data to:

- Swiss Federal Tax Administration for CRS Reporting Purposes
- US Inland Revenue Service ('IRS') for FATCA Reporting Purposes
- BVI International Tax Authority ('BVIITA') for CRS Reporting Purposes
- Banks/Investment companies where an entity we manage or administer is opening a bank account with them or otherwise engaging them to provide services
- Lawyers and accountants where an entity we manage or administer is engaging them to provide services
- Corporate Service Providers who act as registered agents for corporate entities and who may have a legal obligation to maintain information on ultimate beneficial ownership and/or supply it as part of a register of beneficial ownership.
- Compliance/know your client services ('KYC') – ie World Check

## **Our personal data retention policy**

We maintain all personal data of the client(s) to whom we are providing services, and of all other individuals who perform a function within or are connected to the business arrangement. We retain the personal data of all such individuals throughout the length of the relationship and will hold the personal data of clients for a period of at least ten years following the ending of a relationship but then for no longer than is necessary for the purposes for which the data was collected.

You should note that personal data may become part of the permanent trust or corporate records of a managed entity as part of our provision of services.

## **You have important rights under data protection legislation**

Swiss data protection law and GDPR confer significant rights on data subjects and as the processor of your personal data we have an obligation to process that data lawfully, fairly, proportionately, transparently, and appropriately for the purposes of the provision of the services we provide to you or to the entity to which you have a relevant connection.

Under Swiss law, you can request us to state whether your personal data is being processed, what data is held on you, the purpose or legal basis for the processing, the categories of personal data being processed, whether other parties are involved in the processing, and whether there are any external data recipients. You can request the correction of incorrect or inaccurate data at any time, and if it is impossible to show that data is accurate or inaccurate, you can request a note be added to the file to this effect. There is no general right to request the deletion of personal data, but if the collection or processing of personal data is unlawful then you can stop us processing that data and ensure that there is no disclosure to third parties, and that the personal data in question is corrected or destroyed.

Not all of the rights provided for under GDPR apply to every service but we have included them all for completeness.

- Access – individuals can request what processing is being done and be provided with access to their personal data, in addition to some additional prescribed information about how it has been processed
- Rectification – people can have their personal data corrected if it is inaccurate or incomplete
- Erasure – individuals can request that their personal data is erased in certain circumstances
- Restriction of processing – people can require organisations to restrict the processing of their personal data in certain circumstances
- Data portability – individuals can receive the personal data that they have given to an organisation in a 'structured, commonly used and machine-readable format'
- Objection – individuals can object to the processing of their data in a number of defined circumstances
- Automated decision making or profiling – people have the right not to be subject to a decision based solely on automated processing, including profiling

To contact Rawlinson & Hunter, please see below.

### **Changes to this Fair Processing Notice**

If for any reason this Fair Processing Notice changes substantially we will let you know directly.

## Contacting Us

If you have any questions about this Fair Processing Notice, would like to exercise any of your statutory rights, or to make a complaint, please speak with one of our Directors or contact us at:

Data Protection Team  
Rawlinson & Hunter (Zurich) AG  
Bellevueplatz 5  
Zürich  
CH-8001  
Switzerland

[privacy@rawlinson-hunter.ch](mailto:privacy@rawlinson-hunter.ch)

## Our EEA GDPR Representative

As we do not have an establishment in the European Economic Area (“**EEA**”), we have appointed a representative based in Ireland, who you may address if you are located in the EEA to raise any issues or queries you may have relating to our processing of your Personal Data. Our EEA representative is: DLI Corporate Nominees Limited and is located at 31 Morehampton Road, Donnybrook, Dublin 4, Ireland.

Our EEA representative can be contacted directly by emailing them at the following address:  
[privacy@dlicorp.ie](mailto:privacy@dlicorp.ie)

## Appendix A - Personal data that may be collected

The information relating to an individual that we may collect and process to complete the services we offer our clients involves the fact of an individuals interests with a company, individual or Trust for which we provide services, along with some or all the following types of data.

First name	Middle Names	Surname
Address	Date of Birth	Gender
Passport Number	Email	Phone Numbers
Driving licence	Tax ID (TIN, UTR etc)	Employment details
Wealth information	Banking Details	Company information
Spouse/partner details	Business partner details	Income details
Charitable activity	Shareholding Information	Financial Statements
Payroll information	Pension details	Tax advisor details

The above list is not intended to be an exhaustive list.

## Appendix B – Examples of Sensitive Personal data that may be collected

Information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual orientation, biometric or genetic data, or personal data relating to criminal convictions and offences and includes personal data relating to criminal allegations and proceedings.