



*Pension & Financial*  
*Pension & Wealth Management*

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## **Privacy Notice**

**Valid from November 2022**

John Clare & Assoc t/a Pension & Financial is committed to protecting and respecting your privacy. We wish to be transparent on how we process your data and show you that we are accountable with the GDPR in relation to not only processing your data but ensuring you understand your rights.

For the purposes of the GDPR the data controller is John Clare & Assoc t/a Pension & Financial. Our contact details are Suite 407, 4-5 Burton Hall Road, Sandyford, Dublin 18 D18 A094 Tel: 01 5637900 [info@pensionandfinancial.ie](mailto:info@pensionandfinancial.ie).

When we refer to we/us, we mean Pension & Financial

Please read this Privacy Notice carefully as this sets out the basis on which any personal data, we collect from you, or that you provide to us, will be processed by us.

### **Who are we?**

*At Pension & Financial we provide our clients with financial advise for Pension, Investment and life assurance protection products.*

Our Data Protection Officer John Clare can be contacted directly here:

- Name John Clare
- Email address [john@pensionandfinancial.ie](mailto:john@pensionandfinancial.ie)
- Phone number 01 5637900

### **How do we collect your information and what information do we collect?**

The personal information we collect varies depending upon the nature of our services. We will endeavour to provide you with an overview of those categories of personal data our organisation collects and our purpose for using that data.

### **Our organisation collects personal data in the following ways, if you:**

- request a service from us; *financial review, purchase a life assurance, pension or investment product.*
- register with or use any of our websites or online applications;
- use our website/apps and it installs cookies or other tracking technologies onto your device.
- engage with us on social media; *via facebook, Instagram, LinkedIn,*
- contact us with a complaint or query;
- apply for a position with us;

## What information do we collect?

The information we collect about you includes the following:

1.	<b>Contact and Identifying information</b> , e.g., name, address, contact details; email, mobile, landline
2.	<b>Unique identifiers e.g.</b> <ul style="list-style-type: none"><li>• PPS number – the reason why we collect your PPS number is <i>for products linked to pensions for Revenue purposes.</i></li><li>• pension scheme reference number- the reason why we collect this is as required by Revenue for payment within Revenue regulations.</li><li>• insurance policy numbers, the reason why we collect this is <i>for providing accurate advise.</i></li></ul>
3.	<b>Demographic details</b> , age, gender marital status, lifestyle, and insurance requirements; date of birth, dependents, photo ID, as well as collecting personal information about you, we may also use personal information about other people, for example family members you wish to insure on a policy. E.g., your children/spouse <i>please update here with all the demographic that you include on fact finds</i>
4.	<b>Family and Beneficiary Data, e.g.</b> , dependants, next of kin or nominated beneficiaries, Power of Attorney, Enduring Power of Attorney. Details of Solicitor/Tax Advisor/Accountant.
5.	<b>Employment information</b> e.g., role, employment status (such as full/part time, contract), salary information, employment benefits, and employment history; <i>This information is necessary for our Fact Find with our clients.</i>
6.	<b>Publicly available sources:</b> e.g., Information about you in the public domain such as Director information from the Companies Registration Office..
7.	<b>Health information</b> such as information about your health status, medical records and medical assessment outcomes; We collect medical information relating to personal habits (e.g., smoking and consumption of alcohol), medical history. We may also process certain special categories of information, for example information about your personal characteristics (biometric information) or disability information. .
8.	<b>Pensions and Insurance Benefits information</b> such as current benefits, pension entitlement information, date of retirement and any relevant matters impacting your benefits such as voluntary contributions, PAO,
9.	<b>Financial details</b> e.g., bank account details, details of your credit history and bankruptcy status, salary, tax code, third-party deductions, bonus payments, benefits and entitlement data, national insurance contributions details,

10.	<b>Marketing preferences:</b> <i>we will only send you direct marketing if you explicitly consent in writing..</i>
11.	<b>Online information:</b> e.g., information about your visits to our websites;
12.	<b>Social media information</b> (e.g., likes and posts) with our social media presence; this includes, LinkedIn, Facebook, Instagram, please
13.	<b>Searches</b> that we undertake in relation to sanctions, money laundering and credit checks. <i>Using BIS software. We list PEP/AML/Sanctions</i>
14.	<b>Calculators on our website.</b> We use this data to perform calculations to prepare quotations for life insurance

When our organisation collects sensitive personal data as defined within the GDPR we will ensure that we require this information, and we have your explicit consent and/or authorisation prior to our collection. Please see the further information contained in this Privacy Notice that outlines special categories of personal data.

#### **Information we automatically collect.**

We sometimes automatically collect certain types of information when you visit our websites and through e-mails when we communicate with you. Automated technologies may include the use of web server logs to collect IP addresses, "cookies" and web beacons. Other cookies such as functional cookies, marketing cookies and analytical cookies will only be used with your expressed consent. Further information about our use of cookies can be found in our Cookie Notice at the footer of our web page. [www.pensionandfinancial.ie](http://www.pensionandfinancial.ie)

#### **How do we use your personal data?**

Your Personal Data will be used to enable us to fulfil our contractual obligations in relation to your request for insurance, investment, protection, pension products, independent financial advice, quotes.

1.	<b>Performing services for our clients and prospective clients</b> – when you require insurance/investment products, we use your data to enable us to provide the required product
2.	<b>Statutory and other regulatory requirements</b> – we are required to carry out various obligations which include: <ul style="list-style-type: none"> <li>• AML/Sanction checking</li> <li>• Knowing your customer “Fact Find”</li> <li>• Adherence to the Consumer Protection Code</li> <li>•</li> </ul>
3.	<b>Communicate and marketing to you</b> –

5.	<b>To contact you if required or to respond to any communications that you might send to us.</b>
7.	<b>Carry out our obligations arising from any contracts entered between you and us and to provide you with the information, products and services that you request.</b>
9.	<b>Provide professional services.</b>
10	<b>Handling complaints</b>
11	<b>To notify you about changes to our service</b>

### Legal Basis

We need to ensure that we process your personal data lawfully. We rely on the following legal grounds to collect and use your personal data.

<b>Performance of a contract</b>	When we enter a contract with you, we will collect and use your personal data to enable us to fulfil that service.
<b>Legal obligation</b>	The use of some of your personal data is necessary for us to meet our legal obligations e.g., pension contributions for Revenue Certificates, Regulatory purposes to the Central Bank
<b>Consent</b>	<p>Sometimes we may rely on consent as a legal basis for processing your information. For example, we rely on consent to collect and use personal data for any criminal convictions or alleged offences. This is used when we need to assess risk relating to an insurance policy for you. We share this information with other third parties where it is necessary to manage these services provided to you – these services include insurance underwriters, reinsurer and other insurance providers.</p> <p>We may also rely on your consent to send direct marketing to you. We will ensure that we present this to you concisely. We will also ensure that we use clear and plain language and if you give us your consent you can withdraw this easily at any time.</p> <p>Sometimes if you refuse to provide information that we reasonably require to provide the services, we may be unable to offer you the services and/or we may terminate the services provided with immediate effect.</p>
<b>Legitimate interests</b>	Where we rely on this legal basis to collect and use your personal information, we shall take appropriate steps to ensure the processing does not infringe the rights and freedoms conferred to you under the applicable data privacy laws.
<b>Vital interest</b>	<i>Processing data and using vital interests are intended to cover only interests that are essential for someone's life. So, this lawful basis is very limited in its scope, and generally only applies to matters of life and death.</i>
<b>Public interest</b>	<i>You should focus on showing that your overall purpose for processing has substantial public interest benefits, e.g., ensuring equality, or preventing fraud in most cases, you must have an 'appropriate policy document' in place.</i>

If you require further information on any of the above basis for processing your data, we can provide you with further details.

### How we share your data

When required, we may make your information available to third parties with whom we have a relationship, where that third party is providing services on our behalf. We will only provide those third parties (data processors) with information that is necessary for them to perform the services. We will take measures to protect your information, such as putting in place Standard Contractual Clauses and confidentiality agreements.

1.	<b>Insurance Partners</b> where we need to manage the services provided to you such as Product Providers and insurance underwriters,. You can refer to their privacy statements on their website for more information about their privacy practices.
2.	<b>Vetting and risk management agencies</b> such as credit reference, criminal record, fraud prevention, data validation and other professional advisory agencies, where necessary to prevent and detect fraud in the insurance industry and take steps to assess the risk in relation to prospective or existing insurance policies and/or the services.
3.	<b>Legal advisers, loss adjusters, and claims investigators</b> , where necessary to investigate, exercise or defend legal claims, insurance claims or other claims of a similar nature;
4.	<b>Medical professionals</b> , e.g., where you provide health information in connection with a claim against your insurance policy; or when we are providing a quote for insurance.
5.	<b>EU Law enforcement bodies</b> , when required to do so by law and/or regulation, or another legal request.
6.	<b>Public authorities, regulators and government bodies</b> , where necessary for us to comply with our legal and regulatory obligations, or in connection with an investigation of suspected or actual illegal activity;
7.	<b>Third-party processors:</b> We outsource our processing operations to suppliers that process personal information on our behalf. Examples include IT service providers who manage our IT and back-office systems and telecommunications networks, and accounting and payroll providers, CRM providers..  These processing operations remain under our control and we have data processing agreements in place with all our third party processors to ensure all processing is carried out in accordance with our security standards and the GDPR.
8.	<b>Internal and external auditors</b> where necessary for the conduct of company audits or to investigate a complaint or security threat.
9.	On the sale or reorganisation of our business whether by asset or share disposal or other transaction relating to our business.

### Transferring personal data outside of Ireland

Where we transfer personal data to a country outside of the EEA (referred to in the GDPR as 'third country,') we will ensure it is done lawfully, i.e. there is an appropriate "level of protection for the fundamental rights of the data subjects". We will therefore ensure that either the EU Commission has granted an adequacy decision in respect of the third country, or appropriate specified safeguards have been put in place, (e.g., Binding Corporate Rules (BCRs) or Standard Contractual Clauses (SCCs)).

## Security

The security of your personal data is important to us, we have implemented appropriate technical and organisational measures to ensure a level of security appropriate to the risk. We have processes in place to protect your personal data from loss, unauthorised access, misuse, alteration and destruction.

## Retention

Pension and Financial shall not keep personal data in a form that permits identification of data subjects for a longer period than is necessary.

Pension and Financial may store data for longer periods if the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to the implementation of appropriate technical and organisational measures to safeguard the rights and freedoms of the data subject.

Personal data will be disposed of securely.

## Data Subjects Rights:

Pension & Financial will facilitate your rights in line with our data protection policy and the Subject Access Request procedure. This is available on request.

## Your rights as a data subject

At any point while we are in possession of or processing your personal data, you, the data subject, have the following rights:

- **Right of access** – you have the right to request a copy of the information that we hold about you.
- **Right of rectification** – you have a right to correct data that we hold about you that is inaccurate or incomplete.
- **Right to be forgotten** – in certain circumstances you can ask for the data we hold about you to be erased from our records. (The erasure of such data will be dependent on our other legal obligations, and whether the data is subject of legal privilege).
- **Right to restriction of processing** – where certain conditions apply to have a right to restrict the processing.
- **Right of portability** – you have the right to have the data we hold about you transferred to another organisation.
- **Right to object** – you have the right to object to certain types of processing such as direct marketing.
- **Right to object to automated processing, including profiling.**
- **Right to make a complaint:** if we refuse your request under rights of access, we will provide you with a reason as to why.

All the above requests will be forwarded on, should there be a third party involved, as we have indicated in the processing of your personal data.

## Complaints

If you wish to make a complaint about how your personal data is being processed by Pension and Financial or how your complaint has been handled, you have the right to lodge a complaint with our [Data Protection Officer].

You may also lodge a complaint with the Data Protection Commission (DPC) in Ireland, whose details are:

Data Protection Commission  
21 Fitzwilliam Square South,  
Dublin 2.  
D02RD28  
Web: [www.dataprotection.ie](http://www.dataprotection.ie)  
Email: [info@dataprotection.ie](mailto:info@dataprotection.ie)

See website for updated contact details to reach the appropriate section within the DPC.

#### **Failure to provide further information.**

If we are collecting your data for a contract and you cannot provide this data, the consequences of this could mean the contract cannot be completed or details are incorrect. When you fail to provide us with information we require to fulfil our obligations to you, we may be unable to offer our services to you.

#### **Special Categories of personal data**

Special categories of data are sensitive in relation to your fundamental rights and freedoms and therefore require specific protection when processed as these could create significant risks to the rights and freedoms of individuals.

If we collect any special categories of personal data, such as health data, we will either obtain your explicit consent or we will adhere to the Data Protection Act 2018. This Act allows us to process special categories of personal data for insurance and pension purposes. We will ensure we have suitable and specific measures in place to safeguard the rights and freedoms of you and the processing of your data. These measures relate to the below:

- a policy of insurance or life assurance,
- a policy of health insurance or health related insurance
- an occupational pension, a retirement annuity contract or any other pension arrangement
- the mortgaging of a property

#### **Contact Us**

Your privacy is important to us. If you have any comments or questions regarding this statement, please contact us on 01 5637900 or email [info@pensionandfinancial.ie](mailto:info@pensionandfinancial.ie)

#### **Privacy notice/ statement changes**

When we update this Privacy Notice/Statement, we will post a revised version online. Changes will be effective from the point at which they are posted. We would encourage you to review our Privacy Notice so that you are aware of updates.