



**Guernsey**  
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## PRIVACY NOTICE

Your privacy is important to the Fort Group (**Fort**) and we are committed to safeguarding your personal information.

This privacy notice will inform you as to how Fort collects and processes your personal data and tell you about your privacy rights and how the law protects you. It is important that you read this privacy notice together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data.

### 1. **WHO WE ARE**

Fort is licensed and regulated in Guernsey by the Guernsey Financial Services Commission (**GFSC**). As such Fort must fully comply with all applicable laws and regulations enacted in Guernsey. Where we refer to Fort or Fort Group in this privacy notice we refer to Fort Management Services Limited (**FMSL**) and/or any of its subsidiaries, where applicable.

In order to comply with applicable laws and regulations, Fort is required to ask for and to receive personal information (hereinafter referred to as "personal data") about you. The personal data will be collected, processed and stored in accordance with The Data Protection (Bailiwick of Guernsey) Law, 2017 (**Guernsey Data Protection Law**). It is important that the personal data Fort holds about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us. Failure to provide data on request may result in Fort being in breach of its legal/contractual obligations, resulting in us being unable to provide the services to you.

FMSL is the controller of the personal data it receives from you. This means FMSL is responsible for deciding how it holds and uses personal information about you. It may also act as a processor in some circumstances. When you engage Fort, we will let you know which of the group companies you are engaging with and which will be controller(s) and/or processors of your data.

Fort have appointed a data protection officer who is responsible for maintaining this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the data protection officer using the following details:

Full name of legal entity: Fort Management Services Limited

Email address: [info@thefortgroup.com](mailto:info@thefortgroup.com)

Postal address: Bordage House, Le Bordage, St. Peter Port, Guernsey GY1 1BU

Telephone number: +44 (0) 1481711144

If you are unhappy with our treatment of your personal data, you have the right to make a complaint to the Office of the Data Protection Commissioner (**ODPA**) in Guernsey. Depending on the outcome of that complaint, you may also have a right of appeal. You can also make a complaint, where applicable, to the equivalent authority in your jurisdiction.

We would, however, be grateful for the opportunity to seek to resolve any issues you might have before approaching the ODPA. In this case you may contact Fort outlining the full facts of your complaint and we will contact you.

## 2. **WHAT PERSONAL DATA WILL FORT COLLECT ABOUT YOU?**

Personal data means any information about an individual from which that person can be identified. For the purposes of complying with applicable Guernsey laws and regulations and in order that we can provide services to you, Fort will collect the following (non-exclusive) categories of data:

- Full name and title
- Residential address
- Telephone, fax, email
- Nationality
- Passport number, social security number, national identity number
- Occupation and employer, employment history
- Place and date of birth
- Verified identification documentation
- Verified residential address documentation
- Source of wealth and/or funds
- Tax status and tax identification numbers
- Details of professional advisers
- Bank details
- Details of education and qualification
- Nationality and immigration status, right to work/housing permit information

This list is not exhaustive and Fort may collect personal data not detailed above.

Fort does not generally collect Special Category Data. Special Category Data includes details about your health records, data relating to criminal records or alleged criminal activity, race, ethnicity, religious or philosophical beliefs, political opinions and trade union membership. In circumstances where this data may be required, we may need your explicit consent to process it (where the Special Category Personal Data has been provided to Fort by you for any of the purposes detailed in this Privacy Notice) or the processing be necessary for us to comply with a legal obligation, such as when we undertake money laundering, sanctions, financial crime and fraud prevention checks.

## 3. **HOW WILL YOUR PERSONAL DATA BE COLLECTED FROM YOU?**

Fort uses different methods to collect data from and about you, with the main method being completion by you of Key Principal Profile Forms. We may also receive data from

you or your authorised representatives, from third party subscription databases as part of our compliance checks, or via correspondence with you, your representatives, or third parties in connection with us providing services to you.

Where applicable, Fort may also receive personal data about you through Closed Circuit Television and swipe card systems when you visit our offices in person.

4. **HOW WILL FORT GROUP USE THE PERSONAL DATA COLLECTED FROM OR ABOUT ME?**

Fort will only use the personal data collected from and about you as permitted by the applicable laws and regulations. Generally, Fort will use your personal data in the following circumstances:

- Acting for you and/or providing services to you in respect of any matters in which you have instructed Fort or where Fort needs to perform a contract entered into with you, or a contract for your benefit;
- To carry out anti-money laundering (AML) and related checks and actions which Fort considers appropriate to meet any legal obligations imposed on Fort;
- To protect the vital interests of you or any other individual;
- For the purposes of our legitimate interests or anyone else, where such are not overridden by your fundamental rights;
- To monitor and record calls and electronic communications for the detection, prevention, investigation and/or prosecution of crime generally, and to enforce or defend Fort's legal rights or obligations, whether itself or through third parties to whom it delegates such responsibilities or rights;
- In order to comply with a legal obligation imposed on Fort, including any reporting obligations;
- To monitor and record calls for quality, business analysis, training and related purposes in order to pursue the legitimate interests of Fort to improve its service delivery;
- To process your application, in the event you apply for a position with us;
- To update and maintain records for billing, accounting and reporting purposes; and
- To carry out statistical analysis and market research.

5. **CHANGE OF PURPOSE**

Fort will only use the personal data for the purposes described above, unless Fort reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If Fort needs to use your personal information for an unrelated purpose, Fort will notify you and Fort will explain the legal basis which allows us to do so.

Please note that Fort may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 6. **DISCLOSURE OF THE PERSONAL DATA COLLECTED FROM OR ABOUT ME**

Fort may have to share the personal data with third parties for the purposes set out in paragraph 4 above. These parties include:

- Other companies in the Fort Group acting as joint controller or processors and who are based in Guernsey and provide administration and other services necessary to ensure the smooth administration of your financial affairs;
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based anywhere who provide consultancy, banking, legal, insurance and accounting services;
- Tax and financial services regulators and other authorities acting as processors or joint controllers based in Guernsey, who require reporting of information and/or processing activities in certain circumstances;
- Regulators, law enforcement, other authorities or courts of competent jurisdiction where permitted/compelled to do so; and
- Third parties to whom Fort may choose to sell, transfer, or merge parts of our business or our assets.

This list is not exhaustive and Fort may, to the extent permitted by the applicable laws and regulations, transfer the personal data to any other third parties.

Where appropriate to do so, Fort enters into contractual arrangements with any subcontractors or third parties that process your data, such as to ensure an equivalent level of security around your data.

## 7. **INTERNATIONAL TRANSFER**

Fort may transfer your personal data to a third party within the European Economic Area (EEA), or to a jurisdiction where the European Commission has issued an adequacy decision in respect of the equivalence of that jurisdiction's data protection laws.

Fort may also have instances whereby personal data will be transferred to other jurisdictions, whose data protection regime may not provide for equivalent protections. Where such transfers occur, Fort will ensure that safeguards are in place to protect the personal data in accordance with the applicable legal requirements, law and obligations. These safeguards include having appropriate contracts in place (whether including or based on standard contractual clauses approved by the European Commission and using the Supplementary Measures outlined in the European Data Protection Board's Recommendations 01/2020 and the Guernsey Addendum, where relevant/appropriate). If you require further information on these safeguards, please contact us.

## 8. **SECURITY OF THE PERSONAL DATA COLLECTED FROM OR ABOUT ME**

Personal data will be kept confidential except where disclosure is required or permitted by law. Fort have implemented security measures to ensure the personal data is protected from unlawful access, disclosure or alterations. This includes storing the personal data in a secure location and limiting access to the personal data to only those employees, agents and other third parties who require access for the purposes set out in paragraph 4 above.

Fort will not, under any circumstances, sell or otherwise transfer any personal data to commercial companies or other organisations, save as set out above.

9. **COOKIES, WEB STATISTICS AND THIRD-PARTY MONITORING**

As a policy Fort does not request you to submit any personal data by use of the Fort website. All personal data will only be requested through direct contact between you and the appropriate staff member at Fort working on your affairs.

10. **HOW LONG WILL YOU KEEP THE PERSONAL DATA COLLECTED FROM OR ABOUT ME?**

Fort will not keep the personal data for longer that is necessary for the purpose for which it was collected, unless permitted by the applicable laws and regulations. Fort is required to maintain accurate and up-to-date records in order to comply with its obligations whilst a service is provided. Please keep us informed if your personal data changes during your relationship with us.

In most cases, the personal data will be kept for 6 years after the last date of Fort processing the personal data (i.e. once a business relationship ceases, that personal data will be retained, in a secure location, for a period of 6 years after the end of said business relationship). This is the general limitation period under Guernsey law during which the information may be needed to establish or defend legal rights or obligations. To the extent permitted by the applicable law and regulations and depending on what data is processed, Fort may be permitted or required to keep the personal data for longer periods.

11. **YOUR RIGHTS UNDER THE DP LAW**

You have, under certain circumstances, rights under sections 14 to 24 of the Guernsey Data Protection Law. These rights include:

- Right to data portability - you have the right to have the data Fort holds about you transferred to another organisation.
- Right of access - you have the right to request a copy of the information Fort holds about you.
- Right to object to processing on grounds of public interest.
- Right to rectification - you have a right to correct data Fort holds about you that is inaccurate or incomplete.
- Right to erasure - in certain circumstances you can request that the data Fort holds about you can be erased from Fort's records. Please note that this does not override our legal obligation to retain it, where such applies.
- Right to restriction of processing - where certain conditions apply, you have the right to restrict the processing.
- Right to be notified of rectification, erasure and restrictions.
- Right not to be subject to decisions based on automated processing.

You also have the right to withdraw consent at any time where Fort are relying on consent to process the personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, object to

processing and/or exercise a right to erasure, Fort may not be able to provide certain services to you. Fort will advise you if this is the case at the time.

The Guernsey Data Protection Law imposes a duty on Fort to comply with any request from you to exercise your rights and facilitate the exercise of said rights. You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, Fort may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, Fort may refuse to comply with your request in these circumstances.

Where a legitimate request for access to personal data is received, Fort will try and respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, Fort will notify you and keep you updated.

Should you have any queries relating to your rights please contact the Managing Director of Fort by writing to the following address:

Attention: Managing Director

Address: Fort Management Services Limited, Bordage House, Le Bordage, St. Peter Port, Guernsey, GY1 1BU

Alternatively, you are at liberty to contact the ODPa:

Attention: Office of the Data Protection Commissioner

Email: [enquiries@odpa.gg](mailto:enquiries@odpa.gg)

Contact Number: + 44 (0) 1481 742074

Address: St Martin's House, Le Bordage, St. Peter Port, Guernsey, GY1 1BR

Please let us know if you would like any further information in respect of this Privacy Notice or any rights conferred upon you by the Guernsey Data Protection Law.

### **Changes to this Notice**

This Privacy Notice is dated 6 January 2023. Fort may amend this Privacy Notice at any time without prior notice, in which case the date of this Notice will be revised and an updated version made available.