

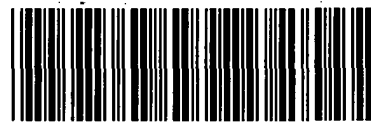
# LIQ03

## Notice of progress report in voluntary winding up



Companies House

SATURDAY



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A04

16/03/2024

#119

COMPANIES HOUSE

### 1 Company details

Company number 0 7 6 9 1 9 8 3

Company name in full Serving Sport Limited

→ Filling in this form  
Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) David Frederick

Surname Wilson

### 3 Liquidator's address

Building name/number 29 Park Square West

Street Leeds

Post town LS1 2PQ

County/Region

Postcode

Country

### 4 Liquidator's name ①

Full forename(s)

Surname

① Other liquidator  
Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator  
Use this section to tell us about  
another liquidator.

LIQ03

Notice of progress report in voluntary winding up

**6** Period of progress report

From date	<sup>d</sup> 1	<sup>d</sup> 8	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 3
To date	<sup>d</sup> 1	<sup>d</sup> 7	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 4

**7** Progress report

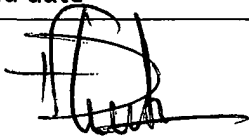
☒ The progress report is attached

**8** Sign and date

Liquidator's signature

Signature

X



X

Signature date

<sup>d</sup> 1	<sup>d</sup> 1	<sup>m</sup> 0	<sup>m</sup> 3	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 4
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LIQ03

Notice of progress report in voluntary winding up



**Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name David Frederick Wilson

Company name DFW Associates

Address 29 Park Square West

Leeds

Post town LS1 2PQ

County/Region

Postcode

Country

DX

Telephone 01133907940



**Checklist**

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



**Important information**

All information on this form will appear on the public record.



**Where to send**

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



**Further information**

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

**The affairs, business and property of the Company are being dealt with by the Liquidator, who acts as the Company's agent and without personal liability.**

Liquidator's Annual Report to Members & Creditors

## **Serving Sport Limited – In Liquidation**

For the period 18<sup>th</sup> January 2023 to 17<sup>th</sup> January 2024

This report has been produced by the Liquidator solely to comply with his statutory duty to report to members and creditors on the progress of the Liquidation. The report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors for any purpose other than this report to them, or by any other person for any purpose whatsoever.

## Contents

1. Statutory Information
2. Progress during the Period
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4. Pre-Appointment Costs
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7. Matters That Remain Outstanding
8. Conclusion

## Appendices

1. Receipts and Payments Account for the period 18<sup>th</sup> January 2023 to 17<sup>th</sup> January 2024 and for the period 18<sup>th</sup> January 2019 to 17<sup>th</sup> January 2024
2. Details of the Time Incurred in accordance with Statement of Insolvency Practice 9 for the period 18<sup>th</sup> January 2019 to 17<sup>th</sup> January 2024 and for the period 18<sup>th</sup> January 2023 to 17<sup>th</sup> January 2024
3. DFW Charging Policy and Charge Out Rates
4. Extract from Rules 18.9 and 18.34 (Creditors' Rights)
5. DFW Privacy Statement

## Abbreviations

For the purposes of this report the following abbreviations shall be used:

"the Act"	Insolvency Act 1986 (as amended)
"the Rules"	Insolvency (England and Wales) Rules 2016
"CVL"	Creditors Voluntary Liquidation
"the Liquidator"	David Frederick Wilson

## Data Privacy

Since 25 May 2018 creditors who are individuals (including former employees) now also have enhanced rights under UK Data Protection legislation. The Liquidator is obliged to process personal data in the performance of his statutory duties. Information about the way that we will use, and store personal data on insolvency appointments is enclosed.

### 1. STATUTORY INFORMATION

Company Number:	07691983
Date of Incorporation:	4 <sup>th</sup> July 2011
Principal Activity:	82990 – Other business activities not elsewhere classified
Previous Name:	None

Trading Name: None

Registered Office: 29 Park Square West, Leeds LS1 2PQ

Former Registered Office: Ryedale Lodge, Station Road, Nunnington, York YO62 5XB

Former Trading Address: Ryedale Lodge, Station Road, Nunnington, York YO62 5XB

Share Capital: 100 ordinary shares of £1 each

Shareholders: Charles Andrew John Hindle 50 Ordinary shares  
Jenifer Hindle 50 Ordinary shares

		<u>Appointed</u>	<u>Resigned</u>
Directors:	Charles Andrew John Hindle	8 <sup>th</sup> October 2018	-
	Geoffrey Alexander Ainsley	29 <sup>th</sup> April 2012	26 <sup>th</sup> September 2018
	John Graham Cook	17 <sup>th</sup> August 2015	30 <sup>th</sup> June 2016
	David William Elson	1 <sup>st</sup> May 2012	29 <sup>th</sup> November 2013
	Jonathon Charles Round	4 <sup>th</sup> July 2011	4 <sup>th</sup> July 2011
	David Scott	4 <sup>th</sup> July 2011	31 <sup>st</sup> December 2011

Mortgage and charges: None

Connected Companies: International Corporate Entertainment Ltd & Venue Hospitality Ltd

## 2. PROGRESS DURING THE PERIOD

### Update on the progress of the Liquidation

I have not detailed the actions undertaken in my last progress report but have focussed on the actions taken in this period.

I have now reached a settlement in respect of litigation which was sold to Manolete (a litigation funder), who proceeded to pursue one of the former Directors for breach of duty. A breakdown of the settlement and the payment terms are outlined in section 6 of this report.

### Receipts and Payments during the Period

#### Receipts

##### *Bank Interest*

The gross sum of £1.22 has been realised in interest from RBS Bank Plc in respect of the balance held in the Liquidator's account.

##### *Sale of Litigation*

As detailed above, a settlement has been agreed and the sum of £2,230 has been paid during this period, further details can be found in section 6.

#### Payments

##### *Office Holders Fee*

The sum of £1,900 has been paid to Liquidator in respect of his fees, further details can be found in section 5.

### 3. OUTCOME FOR CREDITORS

#### Secured Creditors

There are no creditors of this classification.

#### Preferential Creditors

Preferential creditors amount to £9,915.44 representing the amount outstanding for wages and holiday pay due to the employees. On present information, it appears that there will be insufficient asset realisations to allow a dividend distribution to this class of creditor.

All employees have been offered the opportunity to make a claim from the Redundancy Payments Service ('RPS') who pay claims and stand in the Liquidation as a subrogated creditor.

#### Unsecured Creditors

The statement of affairs, presented to creditors estimated total unsecured debts of £288,729.09. To date, the Liquidator has received claims of £110,340.42. On present information, it appears that there will be insufficient asset realisations to allow a dividend distribution to this class of creditor.

#### Prescribed part for unsecured creditors pursuant to Section 176a of the Act

Section 176a of the Act provides that, where the company has created a floating charge on or after 15 September 2003, the Liquidator must make a prescribed part of the company's net property available for the unsecured creditors. The prescribed part does not apply in this Liquidation as there is no secured creditor.

### 4. PRE-APPOINTMENT COSTS

I can confirm that a decision by correspondence was held on 20<sup>th</sup> April 2020 at 23.59 at which the following resolution was passed.

"That DFW Associates costs for assisting the Director to place the company into Creditors Voluntary Liquidation ('Pre-appointment costs') up to a maximum of £6,706.50, plus disbursements plus VAT be drawn on account at the rates notified to creditors."

I can confirm that no payments have yet been made in this regard.

### 5. LIQUIDATOR'S REMUNERATION DISBURSEMENTS & EXPENSES

On the 20<sup>th</sup> April 2020 at 23.59 the unsecured creditors resolved by correspondence that

"The basis of the Liquidator's remuneration on a time cost basis at DFW Associates standard charging rates in accordance with his statutory fee estimate, copies of which have been provided to creditors, and that such remuneration be drawn on account at the rates notified to creditors."

My statutory estimate of fees acts as a cap on the amount of remuneration that I can draw out of the assets of the company without further authority from creditors.

By virtue of the approval by creditors to the basis of my remuneration, this cap was set at £75,824.65. The services provided, and to be provided, by me included those required by law and/or professional regulations to deal with the procedure.

Generally, time spent has been in-line with the fee estimate. The variances are detailed below with a short explanation and details.

	<b>Fee Estimated</b>	<b>Actual (from SIP 9 time cost report)</b>	<b>£ Difference (-/+)</b>
Admin & Planning	10,885.64	5,631.00	-3,740.14
Investigations	29,415.86	25,333.00	-4,330.36
Realising Assets	17,158.19	10,346.50	-6,870.69
Trading	0.00	0.00	0.00
Creditors	18,364.96	10,838.74	-8,551.97
Case Specific	0.00	0.00	0.00
<b>Total</b>	<b>75,824.65</b>	<b>52,149.24</b>	<b>-23,493.16</b>

As illustrated in the table above, the Liquidator's original cost estimate has not been exceeded in the period and has fallen short by £23,493.16, however as I am yet conclude outstanding matters in the Liquidation. I expect to have met or exceeded the original time cost estimate by the time the Liquidation has concluded.

The total time spent on the Liquidation by myself and my staff from the date of appointment on 18<sup>th</sup> January 2019 is 168.98 hours equating to time costs £52,149.24 at an average rate of £308.61 per hour.

The total time spent during the period by myself and my staff is 6.85 hours equating to time costs £1,848.25 at an average rate of £269.82 per hour. During the Liquidation I have drawn Liquidator fees totalling £1,900 on account of these time costs.

The following further information in relation to the Liquidator's time costs is enclosed with this report:

- Table of time spend and charge-out value for the period 18<sup>th</sup> January 2019 to 17<sup>th</sup> January 2024
- Table of time spend and charge-out value for the period 18<sup>th</sup> January 2023 to 17<sup>th</sup> January 2024
- DFW Associates charging policy for disbursements; and
- Details of creditors' rights: (Creditors' and members' requests for further information and details of remuneration and expenses: application to court by a creditor or members on grounds that remuneration or expenses are excessive in accordance with Rule 18.9 and 18.34 of the Insolvency (England & Wales) Rules 2016).

Please note an explanatory leaflet "A Creditor's Guide to Liquidator's Remuneration", is also available on request from my office.

#### Expenses

There have been no category 1 or 2 expenses paid during the period of this report.

#### Creditors Rights

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence in 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

Should you require any further information extracts from the relevant Insolvency Rules are attached.

## **6. INVESTIGATIONS INTO THE AFFAIRS OF THE COMPANY**

### **Report on the conduct of Directors**

The Liquidator has a statutory duty to investigate the conduct of the Directors and any person he considers to be or have been a shadow or de facto Director during the period of three years before the date of their appointment, in relation to their management of the affairs of the company and the causes of its failure. The Liquidator is



obliged to submit confidential reports to the Department for Business Innovation and Skills. I can confirm that I have discharged my duties in this regard.

Best practice guidance requires a Liquidator to make enquiries of creditors regarding the way in which the Company's business has been conducted, or any potential recoveries that they may be aware of, for the estate. If you would like to bring any such issues to our attention, please do so in writing to my office. Such a request for information is standard practice and does not imply any criticism, or cause of action against any person concerned in the management of the company's affairs.

#### Manolete Agreement

Due to the lack of funding for both investigations and potential actions, the Liquidator sought to sell the rights of any claim to specialist litigation funders. An agreement was reached with Manolete for any action against Brian Hindle, Charlie Hindle, Geoffrey Ainsley or Vijay Khakhria.

An initial amount of £2,000 was paid by Manolete alongside 50% of the net proceeds of any successful claim. This allows the potential realisations without the associated costs having to be paid upfront.

A settlement was agreed with Mr Ainsley of £15,000, against which Manolete's expenses of £5,540 were deducted, giving net proceeds of £9,460. Of which £4,730 (50%) is due to the company. Total payments from Manolete to the Liquidator amount to £4,230 leaving an amount outstanding of £500.

Mr Ainsley is paying on a deferred consideration basis lasting 12 months and the Liquidation will remain open until Manolete have remitted the final balance.

### **7. MATTERS THAT REMAIN OUTSTANDING**

Assets realisations are not complete and I have detailed below the assets which remain to be realised.

#### Manolete Action

Other than receiving the final balance due from Mr Ainsley, Manolete are not taking any further actions, therefore we are awaiting the final receipts.

#### Action against the RFU

The Liquidator has made attempts to sell the rights to an action the company had against the RFU, however as there is still a contractual issue outstanding with Mr Khakhria no sale can take place.

### **8. CONCLUSION**

I will contact you again at the next annual reporting period or at the conclusion of the Liquidation whichever is the sooner. Should you have any further queries please contact my office on 0113 390 7940, alternatively direct any emails to [james.nuttall@dfwassociates.co.uk](mailto:james.nuttall@dfwassociates.co.uk).



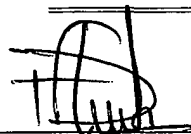
**David Frederick Wilson**  
**Liquidator of Serving Sport Limited**

Dated: 11<sup>th</sup> March 2024

**Serving Sport Limited  
(In Liquidation)**

**LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT**

	Statement of affairs £	From 18/01/2023 To 17/01/2024 £	From 18/01/2019 To 17/01/2024 £
<b>RECEIPTS</b>			
Furniture & Equipment	150.00	0.00	125.00
Book Debts	10,657.50	0.00	760.53
Shares in ICE	NIL	0.00	0.00
Shareholders Loan account		0.00	30,000.00
Preference claim		0.00	2,680.00
Insurance Refund		0.00	96.25
Sale of litigation		2,230.00	4,230.00
Bank Interest Gross		1.22	6.17
Interco. Acct - ICE	NIL	0.00	0.00
Vat Payable		0.00	25.00
		<u>2,231.22</u>	<u>37,922.95</u>
<b>PAYMENTS</b>			
Shares in ICE		0.00	0.00
Interco. Acct - ICE		0.00	0.00
Specific Bond		0.00	400.00
Office Holders Fees		1,900.00	24,898.41
Software costs		0.00	347.48
Legal Fees		0.00	10,125.00
Counsel's fees		0.00	1,150.00
Statutory Advertising		0.00	244.35
Wage Arrears & Holiday Pay	(2,636.13)	0.00	0.00
Trade & Expense Creditors	(255,915.75)	0.00	0.00
Employees	(20,962.66)	0.00	0.00
Directors	(3,000.00)	0.00	0.00
HSBC Bank	(8,850.68)	0.00	0.00
Ordinary Shareholders	(100.00)	0.00	0.00
Vat Receivable		380.00	700.00
		<u>2,280.00</u>	<u>37,865.24</u>
<b>BALANCE - 17 January 2024</b>			<u><u>57.71</u></u>



David Frederick Wilson  
Liquidator

Time Entry - SIP9 Time & Cost Summary

CVL0109 - Serving Sport Limited  
Project Code: POST  
From: 18/01/2023 To: 17/01/2024

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	0.30	0.00	0.00	0.00	0.30	148.50	495.00
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	1.10	0.00	4.75	5.85	1,393.25	238.16
Investigations	0.50	0.00	0.00	0.00	0.50	247.50	495.00
Realisation of Assets	0.00	0.20	0.00	0.00	0.20	59.00	295.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	0.80	1.30	0.00	4.75	6.85	1,848.25	269.82

Time Entry - SIP9 Time & Cost Summary

CVL0109 - Serving Sport Limited  
Project Code: POST  
From: 18/01/2019 To: 17/01/2024

Classification of Work Function	Partner	Manager	Other: Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	2.90	17.90	0.00	0.25	21.05	5,631.00	267.51
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	4.00	30.83	0.00	7.10	41.93	10,838.74	258.48
Investigations	41.10	36.20	0.00	0.00	77.30	25,333.00	327.72
Realisation of Assets	21.90	6.80	0.00	0.00	28.70	10,346.50	360.51
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	69.90	91.73	0.00	7.35	168.98	52,149.24	308.61

## **EXTRACT FROM THE INSOLVENCY RULES (ENGLAND AND WALES) 2016**

### **Creditors' and members' requests for further information in administration, winding up and bankruptcy**

#### **Rule 18.9**

(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

- (a) a secured creditor;
- (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
- (c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
- (d) any unsecured creditor with the permission of the court; or
- (e) any member of the company in a members' voluntary winding up with the permission of the court.

(2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.

(3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—

- (a) providing all of the information requested;
- (b) providing some of the information requested; or
- (c) declining to provide the information requested.

(4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—

- (a) the time or cost of preparation of the information would be excessive; or
- (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
- (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
- (d) the office-holder is subject to an obligation of confidentiality in relation to the information.

(5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.

(6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—

- (a) the office-holder giving reasons for not providing all of the information requested; or
- (b) the expiry of the 14 days within which an office-holder must respond to a request.

(7) The court may make such order as it thinks just on an application under paragraph (6).

## EXTRACT FROM THE INSOLVENCY RULES (ENGLAND AND WALES) 2016

### Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive

#### Rule 18.34

(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
- (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
- (c) the expenses incurred by the office-holder are in all the circumstances excessive.

(2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—

- (a) a secured creditor,
- (b) an unsecured creditor with either—
  - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
  - (ii) the permission of the court, or
- (c) in a members' voluntary winding up—
  - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
  - (ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

## **DFW Associates Charging Policy**

### **Introduction**

This note applies where a licenced insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees. Following a passing of the resolution for the office holder to be remunerated on a time cost basis. Best practice guidance requires that such information should be disclosed to those who are responsible for approving remuneration.

In addition, this note applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the costs of facilities provided by the firm and where payments are to be made to outside parties in which the office holder or his firm or any associate has an interest. Best practice guidance requires that such charges should be disclosed to those who are responsible for approving the office holder's remuneration, together with an explanation of how those charges are calculated.

### **Office Holder's Fees in Respect of the Administration of the insolvent estate.**

The office holder will delegate tasks to colleagues. Such delegation assists the office holder as it allows him/her to deal with the more difficult aspects of the case and ensures that work is allocated and completed at the appropriate level. There are various staff that are employed by the office holder and these appear below.

The firm operates a time recording system which allows the staff working on the case with the office holder to allocate their time to the case. The time is recorded at the individual hourly rate in force at that time which is detailed below.

### **Expenses Incurred By Office Holder In Respect Of the Administration of Insolvent Estates**

Best practice guidance classifies expenses into two broad categories

- Category 1 disbursements (approval not required) – specific expenditure that is directly related to the case usually outsourced to a third party. Once these items of expenditure are incurred they are immediately charged to the case.
- Category 2 disbursements (approval required) – items of incidental expenditure directly incurred on the case which include an element of shared or allocated cost and which are based on a reasonable method of calculation.

(A) The following items of expenditure are charged to the case (subject to approval)

- Car Mileage is charged at a rate of 45p per mile
- Storage of books and records (when not chargeable as a category 1 disbursement)
- Expenses which should be treated as Category 2 disbursements (approval required) – in addition to the 2 categories referred to above best practice guidance indicates that where payments are made to outside parties in which the office holder or his firm or any associate has an interest these should be treated as category 2 disbursements

(B) The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a category 1 disbursement.

- Telephone and facsimile
- Printing and photocopying
- Stationery

### **DFW Charge-out Rates –Post 1<sup>st</sup> November 2022**

Time is recorded in 6 minute units.

Principal Associate	495
Senior Associate	295
Junior Associate	225

## **DFW Associates**

### **Privacy Statement for Data Subjects who are Individuals**

#### **Introduction**

A Privacy Statement is a document explaining to you, if you are an individual, how your personal data will be used by us and what your rights are.

This Statement describes in general terms how we collect and use personal data about you. It has been prepared to meet the requirements of the General Data Protection Regulation (GDPR), the Data Protection Act and any other national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK ('Data Protection Legislation').

Please read the following carefully to understand our practices regarding your personal data.

#### **Data Controller**

DFW Associates is a Firm ('the Firm') of Insolvency Practitioners whose sole Principal is David Frederick Wilson ('Mr Wilson'). His and the Firm's contact details are given below. Mr Wilson is licensed to act as an insolvency practitioner in the United Kingdom by the Institute of Chartered Accountants in England and Wales.

Mr Wilson trading as DFW Associates is a Data Controller within the meaning of the Data Protection Legislation when the Firm is engaged to provide a service under the terms of a contract which requires it to process personal data. (The client in respect of whom personal data is being processed is also a Data Controller).

Where Mr Wilson is acting as an Officeholder (Administrative Receiver, Administrator, Liquidator, Nominee or Supervisor of a Voluntary Arrangement or a Trustee in Bankruptcy) under insolvency legislation he is the Data Controller for data processed by him as part of his statutory duties.

In this situation the Company or other legal entity over which he has been appointed as Officeholder will remain the Data Controller in respect of personal data collected and processed by it prior to his appointment (albeit it should now be contacted via the Officeholder).

For all purposes in relation to this Privacy Statement Mr Wilson can be contacted at:

DFW Associates  
29 Park Square West  
Leeds  
LS1 2PQ

E: [david.wilson@dfwassociates.co.uk](mailto:david.wilson@dfwassociates.co.uk)  
T: 0113 390 7940

#### **Personal Data**

Personal data means any information about an individual from which that person can be identified.

We may collect, use, store and transfer different kinds of personal data about you as follows:

- Identity Data – the information we use to identify you, which may include data contained in photographs.
- Contact Data – the information we use to contact you.
- Financial Data – details of your income and expenditure, assets and liabilities and ancillary data such as your bank account details
- Transaction Data - includes details about payments to and from you
- Communications Data - your communication preferences, for example any opt out exercised by you under Insolvency legislation.



We may collect some 'special category' personal data from you including (but not restricted to) details of your health, or whether you are a member of a Trade Union, where this is necessary to meet our legal or regulatory obligations. We may also collect information about criminal convictions and offences and whether you have been previously involved in any personal or corporate insolvency proceedings.

## **How we collect Personal Data**

The personal data we initially used to contact you was provided by the Company or Individual on whose instructions DFW Associates is acting or in relation to which Mr Wilson has been appointed as Officeholder. Your personal data may also be collected from the following sources:

- Records that our client or the insolvent Company or individual already holds about you.
- Questionnaires and Forms completed and submitted by you, for example to the Redundancy Payments Service or to us.
- Correspondence and other communications or meetings between you and the Firm.
- Information provided to the Firm by third parties in relation to an appointment, for example your bank, your professional advisers or the Insolvency Service.
- Information held in the public domain (for example, at Companies House and the Land Registry).

Other data controllers (including clients) may also provide your personal data to us.

## **How we use Personal Data**

Most processing is carried out to comply with the Officeholder's legal and regulatory obligations or to enable DFW Associates to provide a service in accordance with its contractual terms. Personal data will be used to verify identity (where this is required), for communications, to maintain records and process transactions. It may also be used to facilitate the performance of investigations (including the prevention of fraud), the realisation of assets and the agreement and settlement of financial claims. Your personal data may therefore be used for more than one purpose.

## **Disclosure of your personal data**

Mr Wilson and the Firm have a legal obligation, in certain circumstances, to disclose personal data to:

- Mr Wilson's regulatory body, the Institute of Chartered Accountants in England and Wales.
- The Secretary of State (including, but not restricted to, the Official Receiver).

Mr Wilson and the Firm may also be under an obligation to provide your personal data to other third parties who have a statutory right to request it (for example, HMRC and Law Enforcement Agencies) or who have obtained an appropriate court order.

We may also share your personal data with:

- Our accountants, solicitors, insurers and sub-contractors
- Other Governmental or relevant regulatory bodies.
- Third parties who support us in providing our IT systems, including our website, e mails, data backup and storage.
- Third parties who archive our paper records
- Third party professional service providers instructed on a case by case basis by the Officeholder or the Firm, including (but not restricted to) accountants and tax advisers, solicitors, valuers, debt collection agencies and service providers who may assist with the calculation of employee claims or pension deficits and contributions. They will only process your data on our instructions and they are under a professional duty of confidentiality.

## **Protection of your personal data**

Policies and commercially reasonable and appropriate procedures are in place to safeguard your personal data from loss, misuse and improper disclosure.

- Staff training
- Digital personal data is held in secure data centres potentially located worldwide (and therefore potentially outside of the EEC).
- Paper personal data is held at the Firm's offices in Leeds, or, if the case has been closed, in a secure off-site third party storage facility.

We also have procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

All our third-party service providers are required to take appropriate security measures to protect your personal information. We only allow third-party service providers to process your personal information for specified purposes and in accordance with our instructions.

## **Retention of Personal Data**

We will only retain your personal data for as long as necessary. This necessity includes the purposes of satisfying any legal, accounting, regulatory or reporting requirements.

In line with these requirements personal data will generally be held for no longer than 6 years after the closure of an assignment or insolvency appointment.

If you have opted out of receiving future correspondence from us, your contact details will remain on our opt-out list to prevent you from receiving any further correspondence from us except where we are obliged to contact you by insolvency legislation.

## **Your rights**

We will maintain an accurate record of personal data submitted to us. Please inform us of any changes to your information.

You are entitled to:

- Be notified that we hold and may process your personal data. This Notice meets that requirement
- Request access to and correction of your personal data.
- Request erasure of your personal data (unless we hold it under a legal obligation)
- Object to the processing of your personal data or seek to restrict its scope (unless we hold it under a legal obligation).
- Request the transfer of your personal data to you or to a third party (unless we hold it under a legal obligation).
- Withdraw consent at any time, where we are relying on consent to process your personal data. (Where the data received was not based on obtaining consent the right to withdraw consent does not apply).

To exercise any relevant rights, or to update your personal data, please contact Mr Wilson at [david.wilson@dfwassociates.co.uk](mailto:david.wilson@dfwassociates.co.uk). We will seek to respond promptly and no later than 28 days.

We may need you to help us to confirm your identity or to ask you for further information to ensure that personal data is not disclosed to any person who has no right to receive it.

## **Complaints**

We trust that this will not be necessary, but if you are concerned about an alleged breach of data privacy law by us please contact Mr Wilson at [david.wilson@dfwassociates.co.uk](mailto:david.wilson@dfwassociates.co.uk) and he will ensure that your complaint is investigated.

You also have the right to complain to the Information Commissioner's Office, the UK supervisory authority for data protection issues. Further information about how to do this can be found on the ICO website [www.ico.org.uk](http://www.ico.org.uk)

## **General**

We may amplify this Privacy Statement at the point of data collection.

We may change the terms of this Privacy Statement from time to time and will place any updates on our website [www.dfwassociates.co.uk](http://www.dfwassociates.co.uk) . This version is dated 25 May 2018.

Paper copies of this Privacy Notice can be obtained free of charge by written request to our offices at the address given above.