

Privacy Notice – Thomas Cook Liquidations

Last updated 2 October 2019

1. Simon Johnathan Appell, Alistair Paul Beveridge, Daniel Christopher Imison and Benjamin James Browne, all of AlixPartners UK LLP (the "**Special Managers**") have been appointed special managers by the Official Receiver in connection with the compulsory liquidation of the Thomas Cook Group plc on 23rd September 2019 of:

- (i) Thomas Cook Group plc
- (ii) Thomas Cook Airlines Limited
- (iii) Thomas Cook Tour Operations Limited
- (iv) Thomas Cook Destination Management Limited
- (v) Thomas Cook UK Limited
- (vi) Thomas Cook Group Tour Operations Limited
- (vii) Thomas Cook Airlines Treasury plc
- (viii) Thomas Cook Investments (2) Limited
- (ix) Thomas Cook Continental Holdings Limited
- (x) Thomas Cook Group Airlines Limited
- (xi) Thomas Cook West Investments Limited
- (xii) Thomas Cook Finance (2) plc
- (xiii) Thomas Cook Services Limited
- (xiv) Thomas Cook Group UK Limited
- (xv) Thomas Cook Group Treasury Limited
- (xvi) Thomas Cook Money Limited
- (xvii) MyTravel Group Limited
- (xviii) Blue Sea Overseas Investments Limited
- (xix) Thomas Cook UK Travel Limited,

together the "**TC Companies**".

1.2 The Special Managers are Processors of personal data as defined by the Data Protection Act 2018.

1.3 This privacy notice ("**Notice**") solely relates to the processing of personal data by the Special Managers in their personal capacity as insolvency practitioners in connection with the compulsory liquidation of the TC Companies by way of a formal Court appointment and pursuant to the Insolvency Act 1986 (as amended).

1.4 The Special Managers are not responsible for determining the means and purposes for which the TC Companies processed personal data prior to the insolvency. The Special Managers will determine the purposes and means of processing in order to fulfil their respective duties in accordance with the appointment by the Official Receiver and as agent for the TC Companies and/or the Official Receiver (as applicable).

1.5 References to "you" includes any creditors, current or former employees and current, directors, shareholders, agents, contractors, or former customers of the TC Companies. Personal data includes any information about you from which you can be identified. The term "processing" means the collection, recording, storage, use disclosure or any other form of operations or dealings with your personal data.

2. **PERSONAL DATA PROCESSED AND WHY**

2.1 The personal data processed will include:

- (a) employee data such as payroll information, HR records, pension information, bank account details, taxes and insurance details;

- (b) creditor data such as contact details including names, work and home telephone numbers, email addresses and postal addresses; and
 - (c) customer data such as passport details, national identification numbers, bank account data, credit card data, home address, contact data, insurance details, booking information, records of communications and complaints.
- 2.2 The Special Managers may also process special categories of personal data about you, such as health data, details of trade union membership, criminal convictions and details of race or ethnic origin.
- 2.3 The Special Managers will process personal data as is necessary to perform its statutory functions under the Insolvency Act 1986 as amended and in order to comply with the directions of the Official Receiver.
- 2.4 The Special Managers may also process personal data where it is in the legitimate interest of the TC Companies (as controller) or other third parties, except where such interests are overridden by the interests or fundamental rights and freedoms of the underlying data subject.
- 2.5 In addition, the Special Managers will process personal data in connection with the performance their roles and duties as special managers in relation to the appointment by the Official Receiver. These purposes include:
 - (a) administering the estate of the TC Companies including any on-going trading of the businesses of the TC Companies;
 - (b) performing our duties and roles under the Insolvency Act 1986 as amended and related legislation; and
 - (c) complying with legal and regulatory obligations.
- 2.1 In carrying out their respective obligations, the Special Managers may collect personal data:
 - (a) during the process of administering the estate of the TC Companies;
 - (b) directly the TC Companies where such personal data is required in order to manage the estate of the TC Companies, investigate transactions or conduct or deal with claims of customers, employees or tax authorities, or investigate conduct of employees or directors prior to appointment;
 - (c) from public sources such as public registers; and
 - (d) directly from individuals if such individuals engage with us for example an employee or creditor who wishes to discuss the status of a claim.

3. **OTHER THIRD PARTIES WHO WILL RECEIVE PERSONAL DATA**

- 3.1 In carrying out the role of Special Managers, the Special Managers may disclose personal data to the following third parties:
 - (a) AlixPartners UK LLP;
 - (b) Lawyers, accountants, management consultants and other professional advisers;
 - (c) insurers, agents, auditors and third-party claims handlers;
 - (d) authorised travel agents and booking agencies;

- (e) governmental and regulatory bodies such as Civil Aviation Authority, ATOL, ABTA or any other parties as required by law;
 - (f) other parties involved in the insolvency process such as the Official Receiver or other special managers;
 - (g) potential purchasers of businesses or assets of the TC Companies; and
 - (h) third party service providers, for example, data room providers.
- 3.2 Any third party in receipt of personal data will be bound by appropriate obligations of confidentiality and be made aware of the nature and risk of processing in respect of the personal data being disclosed.

4. **INTERNATIONAL TRANSFERS OF PERSONAL DATA**

- 4.1 Personal data may be transferred to AlixPartners LLP and third party organisations situated inside or outside the EEA including to countries whose laws may not offer the same level of protection of personal data as are enjoyed within the EEA. The Special Managers will ensure that any such international transfers are made subject to appropriate or suitable safeguards as required under applicable Data Protection Law.

5. **PERSONAL DATA AND SECURITY**

- 5.1 The Special Managers will maintain appropriate technical and organisational measures to ensure a level of security appropriate to protect any personal data provided to us from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Personal Data transmitted, stored or otherwise processed.

6. **RETENTION OF PERSONAL DATA**

- 6.1 Personal data will be retained in accordance with legal and regulatory requirements and for as long as necessary in order to discharge the Special Managers obligations under their appointment. Personal data which is no longer required will be securely destroyed.

7. **YOUR RIGHTS**

- 7.1 Under some data protection laws, you may have certain rights in respect of your personal data. You will not be able to use these rights in all circumstances.

- 7.2 Where applicable, you have the right to:

- (a) be informed about our processing of your personal data;
- (b) have inaccurate/incomplete personal data corrected/completed;
- (c) object to the processing of your personal data;
- (d) restrict the processing of your personal data;
- (e) have your personal data erased;
- (f) request access to your personal data and to obtain data about how it is processed;
- (g) move, copy or transfer your personal data digitally; and
- (h) object to automated decision making, such as profiling.

7.3 To exercise your rights as set out above, please contact Jeff Naylor (jnaylor@alixpartners.com). There is no fee for making these requests. However, if your request is excessive or unfounded, you may be charged a reasonable fee or refuse to comply with it. The Special Managers may request that you provide information necessary to verify your identity before responding to any request you make.

7.4 For the period where your personal data is required in order to satisfy legal and regulatory requirements the Special Managers may not be able to erase it on receipt of a request.

8. **HOW TO CONTACT US**

8.1 If you have any queries about the contents of this Notice, or would like to raise a complaint or comment about how your personal data is handled, please contact Jeff Naylor (jnaylor@alixpartners.com) so the issue may be resolved, where possible.

8.2 If you are unhappy about the way in which your personal data has been used or the way in which a complaint has been handled, you have a right to complain to the Information Commissioner's Office, which can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

9. **CHANGES TO THIS NOTICE**

9.1 This Notice may be updated from time to time, to reflect any changes in data processing. Such changes will be posted on this website. This Notice was last updated on 2 October 2019.