

03 August 2012

Private and Confidential

Our Ref: JH/11

Your Ref:

Contact: John Humphrey

BTG Global Risk Partners Limited – Credit Bureau Searches

I write on behalf of BTG Global Risk Partners Limited ("BTG") and refer to your letters dated 20 July 2012, one addressed to "anonymous author" and the other addressed to "Mr R Traynor, Executive Chairman", both of which have been passed to me for me to respond on behalf of BTG and Begbies Traynor Group plc.

BTG have previously corresponded with you on this matter, by its letters dated 29 February 2012 and 17 July 2012. In relation to the specific point of consent in respect of carrying out Equifax searches, in its letter of 17 July 2012 BTG stated that it was looking into why the request for confirmation of consent from Equifax appears to have been ignored. Having reviewed this matter, it is a matter for Equifax as to whether or not they seek specific consent in respect of a request to carry out a search against an individual. As previously stated in correspondence with you there are certain exemptions in the Data Protection Act ("DPA") which enable data to be requested and supplied without such consent. In this instance BTG was in a position to explain why the data was necessary and why no consent was required.

It is a matter for Equifax to determine whether, (a) they require a specific explanation from the person requesting the data prior to allowing access to the data; or (b) they require the specific consent of the individual who is the subject matter of the search.

Equifax determine whether they may provide the data which, either where the person requesting the data has the specific consent of the subject or where the request is under one of the valid exemptions of the DPA. The exemptions under the DPA allow BTG to request the data (acting on behalf of their instructing party) but it is a matter for the credit reference agency, whether they release the data in each specific case.

As previously set out in correspondence with you, BTG believes that they were acting under one of the exemptions in the DPA and therefore was entitled to request the data. Equifax provided the data and whilst it appears that a request from Equifax for confirmation that BTG had consent to search against your name was received, albeit after the data had already been provided by Equifax, for some reason this was not responded to. BTG is happy to revert to Equifax on this basis.

Yours sincerely

PP J. Loney

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