

**TERMS OF BUSINESS**  
**Version 5 (2022)**

Paul Earley Financial Planning Ltd t/a Earley Consulting is a financial advisory business providing advice on investment, retirement planning including pensions, personal and business protection and estate planning. We represent the major life assurance companies and certain investment companies.

Paul Earley Financial Planning Ltd t/a Earley Consulting, is regulated by the Central Bank of Ireland as an Insurance Intermediary, registered under the European Union (Insurance Distribution) Regulations 2018; as an Investment Intermediary, authorised under Section 10 of the Investment Intermediaries Act, 1995, and as an Investment Product Intermediary, under Section 31 of the Investment Intermediaries Act, 1995 (as amended). Copies of our regulatory authorisations are available on request. The Central Bank of Ireland holds registers of regulated firms. You may contact the Central Bank of Ireland on 1890 777 777 or alternatively visit their website at [www.centralbank.ie](http://www.centralbank.ie) to verify our credentials. (Our reference number is C40695)

**Codes of Conduct**

Paul Earley Financial Planning Ltd t/a Earley Consulting is subject to the Consumer Protection Code, Minimum Competency Code and Fitness & Probity Standards which offer protection to consumers. These Codes can be found on the Central Bank's website at [www.centralbank.ie](http://www.centralbank.ie)

We do not handle client funds and instead request that all payments/cheques are made payable directly to the financial institutions which we represent. We are members of the Professional Insurance Brokers Association Ltd (PIBA)

**Background of Principal**

Paul Earley QFA, Managing Director has over 25 years experience in pensions, investments and wealth management. Prior to setting up the company in 2006 he was General Manager with Bank of Ireland Private Banking for 7 years, where he was responsible for the client management division of the bank. Prior to that, he held a senior position in the Financial Advice Division of the Commonwealth Bank, Australia's largest bank. He also worked with Lifetime Assurance for 7 years.

## **Appointments Held**

We hold agencies with the following product producers:

Investments and Insurance
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Arena Capital Partners Aviva Life & Pensions UK Ltd BCP Asset Management DAC Blackbee Investments Ltd Broker Solutions BVP Investments Cantor Fitzgerald Irl Ltd Conexim Advisors Ltd Greenman Investments Partners plc Independent Trustee Co Ltd (ITC) Irish Life Assurance plc J & E Davy Newcourt Retirement Fund Managers Ltd New Ireland Assurance Co Ltd Permanent TSB plc Quilter Cheviot Ltd Royal London Mutual Insurance Society Ltd Standard Life Assurance Ltd Wealth Options Zurich Life Assurance plc
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## **Our Services**

Paul Earley Financial Planning Ltd t/a Earley Consulting is authorised to provide the following services:

- Offer broad based advice in relation to all classes of life assurance and investment products including pensions, savings, investments and life assurance policies.
- Receive and transmit orders on your behalf for a product(s) to one or more of the product producers listed shown above. The company does not have any “Tied” relationship with any firm that would compromise our ability to offer you independent advice and choice. The company is a member of the Professional Insurance Brokers Association Ltd (PIBA) and the Irish Brokers Association (IBA).

## **Sustainability Factors – Pension and Investment Advice**

When providing advice, Earley Consulting considers the adverse impact of investment decisions on sustainability. As part of our research and assessment of products, we will examine the Product Providers literature to compare financial products and to make informed investment decisions about ESG products. Earley Consulting will, at all times act, in our client’s best interests and keep clients informed accordingly. The consideration of sustainability risks can impact on the returns of financial products.

## **Remuneration Policy**

Paul Earley Financial Planning Ltd t/a Earley Consulting is remunerated by way of fees for advice and by way of commission and other payments for receiving and transmitting orders to the product providers listed on this document. Fees are charged on a time spent and disbursements basis.

Present hourly rates are set out below (June 2018). These may vary from time to time subject to notice. Presently there are no VAT implications for the placement of orders with financial institutions however, where we provide only advice, VAT will be chargeable. This may change in the future.

<u>Category</u>	<u>Euro rate per hour</u>
Advisory*	€250
Administration	€100

\*Additional fees may be payable for complex cases or to reflect value, specialist skills or urgency.

These fees will cover the advice on the nature of the products and selection of suitable products. Where the client selects a product issued by one of the product providers listed in this document commission may be payable and used to offset the fee due. Where the commission is greater than the fee due, the balance will be retained by the company.

## **Conflict of Interest and Complaints**

- It is the policy of the company to avoid conflict of interest when providing you with investment and investment business services. However, where an unavoidable conflict may arise we will notify you as soon as is practical before providing any business service.
- The company has a written procedure in place for the handling of complaints. This procedure ensures that complaints will be recorded and acknowledged in writing within 5 business days of the complaint being received. The complaint will be fully investigated by Earley Consulting and a full response will be provided to you. We will aim to provide this response not later than 40 business days from receipt of your complaint and will provide you with a regular update on the progress of the investigation of the complaint at intervals of not greater than 20 business days, starting from the date on which the complaint was made. In the event that you remain dissatisfied with the firm's handling of and response to your complaint you are entitled to refer your complaint to the Financial Services Ombudsman's Bureau or the Pensions Ombudsman (contact details below).

*Financial Services Ombudsman Bureau*  
3<sup>rd</sup> Floor  
Lincoln House  
Lincoln Place  
Dublin 2  
Lo-call: 1890 88 20 90  
Fax: 01 662 0890  
E-mail: [enquires@financialombudsman.ie](mailto:enquires@financialombudsman.ie)  
Website: [www.financialombudsman.ie](http://www.financialombudsman.ie)

*Office of the Pensions Ombudsman*  
4<sup>th</sup> Floor  
Lincoln House  
Lincoln Place  
Dublin 2  
Phone: 01 6766002  
Fax: 01 6618776  
Email: [info@pensionombudsman.ie](mailto:info@pensionombudsman.ie)  
Website: [www.pensionombudsman.ie](http://www.pensionombudsman.ie)

## **Consumer Protection**

We are members of the Investor Compensation Scheme operated by the Investor Compensation Company Ltd (ICCL). The ICCL is a member of the Investor Compensation Scheme established under the Investor Compensation Act 1998. This legislation provides for the establishment of a compensation scheme and to the payment, in certain circumstances, of compensation to clients of firms covered by the Act. However, you should be aware that a right to compensation will only arise where money or investment instruments held by this company on your behalf cannot be returned either for the time being or for the foreseeable future and where the client falls within the definition of eligible investor as contained in that Act. In the event that a right to compensation is established, the amount payable is the lesser of 90 percent of your loss, which is recognised as being eligible for compensation or €20,000.

## **Handling Clients Money**

Paul Earley Financial Planning Ltd t/a Earley Consulting will not accept payments in cash. All cheques and drafts are to be made payable directly to the relevant financial institution where they are being invested or paid as a premium.

## **Receipts**

Paul Earley Financial Planning Ltd t/a Earley Consulting will issue a receipt for each non-negotiable or negotiable instrument or payment received for onward transmission to an insurer or any other financial institution on behalf of a client and also in relation to fees paid to Paul Earley Financial Planning Ltd t/a Earley Consulting. This is required pursuant to Section 30 of the “Investment Intermediaries Act, 1995” and they should be stored safely.

## **Data Protection**

Paul Earley Financial Planning Ltd t/a Earley Consulting is a Data Controller and Data Processor and complies with the Data Protection Acts 1988 and 2003. The data which you provide to us will be held on a computer database and paper files for the purpose of arranging transactions on your behalf. We would also like to keep you informed of various insurance, investment, and any other services provided by us or associated companies with which we have a formal business arrangement, and which we think may be of interest to you. We may receive referrals from associated companies and may advise them of any transactions arranged for you. If you do not wish to receive such marketing information, please tick the box.

## **Client Acknowledgement**

This document sets out the terms under which my firm will provide insurance and investment business services to you.

You should read through this document and if there are any matters on which you require clarification I will be happy to explain the matter in more detail.

These terms will remain in force and shall apply to any business service provided to you now or at a future date. Should my firm change any of its business terms at a future date I will advise you in writing in advance of the changes.

## **Terms of Business**

I/We acknowledge and confirm that I/we have been provided with a copy of the Terms of Business of Paul Earley Financial Planning Ltd t/a Earley Consulting

## **Privacy Statement**

I/We acknowledge and confirm that I/we have been provided with a copy of the Privacy Statement of Paul Earley Financial Planning Ltd t/a Earley Consulting.

## **Direct Marketing**

I / We consent to Paul Earley Financial Planning Ltd t/a Earley Consulting contacting me/by letter, phone, email or SMS text in relation to the range of services provided by Paul Earley Financial Planning Ltd t/a Earley Consulting or its associated or partnership companies.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Privacy Statement

### **Introduction**

Earley Consulting 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 that you understand your rights as a client.

It is the intention of this privacy statement to explain to you the information practices of Earley Consulting in relation to the information we collect about you.

For the purposes of the GDPR the data controller is:

Earley Consulting, Distillery Lane, Mill Street, Co. Kildare  
Telephone: 01 6292888  
Email: [info@earleyconsulting.ie](mailto:info@earleyconsulting.ie)

Please read this statement carefully as it 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?**

Earley Consulting is an independently owned Financial Planning Practice established in 2006.

Clients of Earley Consulting benefit from unbiased, impartial financial advice, giving them control, confidence and peace of mind.

We cater for a broad range of clients, from those who want a full financial planning or wealth management service to others who are simply looking for investment advice on how to achieve a better return on the money they have sitting in a bank account.

Our Data Protection Officer can be contacted directly here:

Earley Consulting Ltd  
[info@earleyconsulting.ie](mailto:info@earleyconsulting.ie)  
01 6292888

### **Purpose of processing your data**

For us to provide you with a personalised Financial Plan we need to collect personal and financial data which is held by you and/or third parties. We at Earley Consulting are committed to ensuring that the information we collect and use is appropriate for this purpose, and does not constitute an invasion of your privacy.

## **How will Earley Consulting use the personal data it collects about me?**

Earley Consulting will process (collect, store and use) the information you provide in a manner compatible with the EU's General Data Protection Regulation (GDPR). We will endeavour to keep your information accurate and up to date, and not keep it for longer than is necessary.

Earley Consulting is required to retain information in accordance with the law, such as information needed for income tax and audit purposes. How long certain kinds of personal data should be kept may also be governed by specific business sector requirements and agreed practices. Personal data may be held in addition to these periods depending on the individual business needs.

## **Who are we sharing your data with?**

We collect your personal data in order to provide you with the most appropriate advice and/or products applicable to your specific requirements. We may share information with third parties to facilitate this and any third parties that we may share your data with are obliged to keep your details securely and to use them only to fulfil the service they provide on your behalf. When they no longer need your data to fulfil this service they will dispose of the details in line with procedures.

A list of the third parties (product providers) is available on request or alternatively is contained in our Terms of Business.

If we transfer personal data outside the EU we as the data controller will ensure the recipient (processor or another controller) has provided the appropriate safeguards and on condition that enforceable data subject rights and effective legal remedies for you the data subject are available.

## **Data Subjects Rights:**

Earley Consulting facilitates your rights (data subject's 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**

- ***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.
- ***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*** - you also have the right to be subject to the legal effects of automated processing or profiling.
- ***Right to judicial review*** – in the event that Earley Consulting refuses your request under rights of access, we will provide you with a reason as to why.

**Retention of your personal data:**

Data will not be held for longer than is necessary for the purpose(s) for which they were obtained. Earley Consulting will process personal data in accordance with our retention policy. This retention policy has been governed by our regulatory body (Central Bank) and our internal governance and is available on request.

**Withdrawal of consent:**

If we are relying on your consent to process your data, you may withdraw this consent at any time – this does not affect the lawfulness of processing based on your consent before it was withdrawn.

**Complaints:**

Should you wish to make a complaint about how your personal data is being processed by Earley Consulting, or how your complaint has been handled, you have the right to lodge a complaint directly with the supervisory authority and Earley Consulting's data protection representatives Data Protection Officer/GDPR Owner.

**Failure to provide further information:**

If we are collecting your data to fulfil a contract (life policy, pension policy, investment/savings plan) and you cannot provide this data, the consequences of this could mean the contract cannot be completed or details are incorrect.

**Profiling – automatic decision making:**

Our risk profile questionnaire aims to establish your attitude to investing, your understanding of financial markets and how you react during certain market & economic conditions. The questionnaire scores 17 questions, which when totalled, along with your capacity and need suggests a particular risk tolerance and investment objective. We use this questionnaire in conjunction with other elements to determine your overall risk tolerance. You have the right to refuse this and decide on your own risk profile.