

Dear IP

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The Insolvency  
Service

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## DEAR INSOLVENCY PRACTITIONER Issue 161 – November 2023

Dear Reader,

Please find enclosed the latest articles from the Insolvency Service:

In this issue:

### **Chapter 13    General**

Article 118    What Information can the Official Receiver provide to Insolvency Practitioners on bankruptcy and liquidation cases?

Article 119    Use of the Insolvency Service logo

## **118) What Information can the Official Receiver provide to Insolvency Practitioners on bankruptcy and liquidation cases?**

The Official Receiver and Insolvency Practitioners must ensure that any data exchanged between them is dealt with in accordance with legislative requirements. In particular, they should ensure that personal data is only provided to parties that are eligible to receive it. Improper provision and gathering of data is a serious matter and we will take firm action where a breach is identified.

Insolvency Practitioners should only seek to obtain information which they are lawfully entitled to receive and handle in accordance with data protection laws. These laws include the UK General Data Protection Regulation (UK GDPR) and the UK Data Protection Act 2018. In relation to bankruptcy or liquidation cases under the control of the Official Receiver, Insolvency Practitioners will be entitled to receive information where they are authorised to do so by a creditor, or in their capacity as office holder.

Where an agent or Insolvency Practitioner is authorised to act on behalf of a creditor, they may receive information in place of the creditor, but they would not be entitled to any more information than the creditor. Creditors are generally entitled to information that could be included within a report to creditors (RTC) and any notice of dividend. They can be provided with a list of creditors in a case in which they are listed as a creditor.

However, until the Official Receiver is satisfied that an Insolvency Practitioner or a third-party agent is properly authorised to act on behalf of the creditor, they will not be provided with any information relating to a case. The Insolvency Practitioner will only be properly authorised if there is a written authority from the creditor giving a blanket or case specific authority for the Insolvency Practitioner to represent it.

An authority from the creditor is required before any information, including a copy of the RTC and a list of creditors, can be shared with the Insolvency Practitioner. A nomination from a creditor in a decision making process for appointment as liquidator or trustee, is not considered to be sufficient authority that the Insolvency Practitioner is acting on behalf of that creditor in its dealings with the Official Receiver.

When seeking a rota appointment of an Insolvency Practitioner, the Official Receiver should provide all the relevant information to the Insolvency Practitioner to enable an informed decision to be made on whether to accept

the appointment. This information will centre on the assets and liabilities of the insolvency party.

Rob Peck

Director Official Receiver Services

## **119) Use of the Insolvency Service logo**

It has come to the Insolvency Service's attention that a number of websites linked to individual Insolvency Practitioners are using the Insolvency Service's logo for display on their pages without first seeking our permission.

The Insolvency Service logo is subject to Crown copyright. Unauthorised use of the logo, without the Insolvency Service's express consent, infringes the copyright and could result in legal action being taken against any party doing so.

The use of the Insolvency Service logo on documents or websites, or in association with any other information that is not directly managed by the Insolvency Service, could give the misleading impression that the content has been created in affiliation with, or with endorsement from, the Insolvency Service.

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- where an organisation is working with the Insolvency Service to deliver an event or a piece of joint work, and wishes to use the logo online or in hard copy materials,
- where an organisation is hosting an event at which Insolvency Service staff are speaking or contributing,
- where a supplier working with the Insolvency Service wants to include the cooperation in a testimonial or marketing material.

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Permission will be granted on a case-by-case basis, with new application required for any subsequent usage.