

Stoneshaw Estates – Overall Privacy Notice

Stoneshaw Estates respects your privacy and is committed to protecting your personal data. This privacy notice provides an overall view of how we handle personal data as you engage with our various services.

It describes the data we collect, when we collect it and for what purpose we collect it. We describe the media we use and how it is stored, where it is stored, how long it is stored for and your rights over this data. It gives our reasons for lawful processing and would draw your attention to both “legal obligations” and “consent”.

Please be aware that completion of agreements and transactions with us can require data to be held for periods of 7 years and sometimes more in the case of Lettings. Therefore, any request for deletion of personal data during these periods will not result in the deletion of any documents being held for legal reasons; legal reasons will always over-ride such requests.

While most of our lawful reason for processing is performed through contract, legitimate interests and/or legal obligations we do ask for consent to marketing contact at registration. We would also like to ensure you are aware that you can withdraw consent at any time. This can be done very easily by emailing us or contacting staff at our office.

Our Privacy Notice Methodology:

We will provide you with short specific privacy notices as you enter different phases of activity with Stoneshaw; these tell you about the personal data being collected at that time and why it is required. The personal data we collect increases significantly as you move towards a transaction. The specific privacy notices alert you to this and that much of this will be special category data.

This Overall Privacy Notice is available at all times and is readily available on our web-site or by calling our Office.

The overall notice has details on your rights provided by the GDPR and describes our overall processes.

1, Registration Privacy Notice

On registration with us we only collect that personal data required to progress any enquiry you may have. This is generally, name, address, contact details and what you are interested in. Any special category information that might be collected to assist in selecting properties will be treated confidentially. An initial short privacy notice is given to you at this time in our acknowledgement correspondence.

Please note that we may also ask for “Consent” at this time. Should you decide for whatever reason not to pursue your enquiry or withdraw any consent given you can ask us to do this at any time.

2. Lettings Application and Purchase Offer Privacy Notices.

Should matters progress, then at significant points in the process, such as putting down a deposit for a rental property and supplying references and bank details or a making a deposit on a property and supplying mortgage details, we will issue a further privacy notice relevant to that transaction. This outlines the personal data required, why we require it and how it is used to progress your application or offer. At this stage the personal data collected is inherently more sensitive and is classified as special category data.

Please be aware that at any stage throughout this whole process your rights over your data are unaffected.

At this time, we will also collect information from 3rd Parties (including references) and give information to the landlord or owner who will then decide on the letting or purchase. Should the application or offer be successful then some (as little as is needed) of your data may be passed to others such solicitors, maintenance staff etc as is required to move to completion of the contract or agreement.

3. Overall Privacy Notice

The Overall Privacy Notice and is available to at all times; it is published on our web-site and can also be obtained by calling our Office.

The overall privacy notice gives details of who and where we are. It also describes our relation to you within the GDPR and summarises your rights over your data that the GDPR provides.

This privacy notice describes the full process that you may have with us and how the personal data you provide us with can accumulate during this process. It also outlines the types of data we collect, on what media we collect it, how we secure it, how we store it and when we delete it.

It describes our lawful reasons for processing your data and any 3rd parties that are involved in our processes and/or our activities where data is transferred. We outline the nature of the data being transferred at any point in the process.

Who we are:

Our full details are:

Stoneshaw Estates, info@stoneshaw.com 271 Heathway, Dagenham, RM5 9AQ, Office: 020 8595 3380

Controller

Stoneshaw is the controller responsible for your personal data.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

This Privacy Notice: was originally issued 20th May 2018.

First Revision 19th June 2018.

Accuracy & Update

It is important that the data we hold about you is up to date and accurate so please keep us informed of changes. In addition, we may from time to time contact you to ensure the personal data we hold is current.

Please note: this process and/or web-site is not for children and we do not knowingly collect data relating to children.

The data we collect about you:

- *may be used:*
 - to contact you to progress enquiries about our services
 - to contact you in the execution of contracts
 - to update our files and the information we hold about you
 - to complete transactions for sales and lettings or other of our services
 - to advise you of related products and services you might be interested in
 - to help us run our business by supplying figures for sales, income and other financial analysis

We will collect, store and transfer different types of personal data about you: initially this data is primarily used for contact with you in the progression of your enquiry or interest: we also will collect information on the types or properties and areas you are interested in and perhaps some information about how a property is suited to your lifestyle or life stage.

When this process reaches a transactional stage and there is the establishment or prospect of a contract or agreement with Stoneshaw we are required to gather further information much of which is special category

data. This personal data varies depending on the transaction but can include bank account and employment details, other reference details, proof of residence, passport, National Insurance number and other ID information. References may be taken up and we may access external sites for further information. These sites may perform some form of scoring – however, all decision making is performed by an individual such as an owner or landlord.

Data sufficient for purpose may also be shared with solicitors who act for landlords or sellers or provided to maintenance staff.

Types of Personal Data that can be collected:

- **Identity Data** includes first name, maiden name, surname, username or similar identifier, marital status, title, date of birth, gender, proof of ID such as passport, driving licence or biometric markers, photographic (image), signature.
- **Contact Data** includes address, email address and telephone numbers.
- **Financial Data** includes bank account details, financial referee details, employment details, national insurance number, gross income, details of proof of earning and home owner status.
- **Character Data:** references from employers and others may be collected during such processes as the application for a tenancy.
- **Transaction Data** this accumulates over time and includes details about payments to and from you and other details of services you have purchased from us.
- **Profile Data** includes username and password, life preferences, property preferences (price, size, location), feedback, & survey responses.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.

- When you first contact us, we will probably **not** collect any **Special Category Data** (religion, race, ethnicity, political opinions, health etc) about you as part of our marketing process or progression process; we might on occasion collect information on infirmities or disabilities as part of an enquiry process – for example, less mobile people requiring a down-stairs dwelling, etc. and we will note this in our dealings with you if we have recorded this.

- We can and almost certainly will be required to collect **Special Category Data** at a contractual stage; this is to meet some of our legal obligations such as processing under the Anti-Money Laundering laws or to assess character or to assess the ability to meet financial commitments.

- We do not collect information about children or criminal convictions and offences. However, if you are a tenant or guarantor, third parties may under-take credit reference checks utilising your details which we have collected. This is so we can administer contracts and ensure an appropriate letting arrangement is found according to your financial circumstances.

If you fail to provide personal data:

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested we may not be able to perform the contract we have or are trying to enter into with you. In this case, we may have to cancel a service you have with us, but we will notify you if this is the case.

Collection of Personal Data:

Most of the personal data we collect is at two of the major stages you may have in your dealings with Stoneshaw.

1. In the first instance we collect what is essentially contact and preference data, so we can progress your enquiries with us or we may from time to time send you information about other of our services or properties for sale or rent. At this stage data is stored on our digital sales management described below.

2. The second major collection of personal data would be when you enter a contract stage. At this time much of the data submitted is on paper and these paper files are held in secure filing also described below. The digital management system will continue to be used to retain data as it will track the major events, financial summaries etc. during your time as a client.

Sources where we collect directly from you:

- Direct Interactions when dealing with one of our agents and/or filing in forms we issue during any contact.
- We may also collect information by correspondence, phone, email or otherwise.
- When you apply for our services.
- List a property with us.
- Act as a guarantor.
- Register on our web-site.
- Subscribe to our web-site or publications.
- Request marketing material to be sent to you.
- Enter a competition, promotion, or survey.
- Provide feedback.

Through Third-parties:

- For credit reference and credit checking agencies.
- From Landlords.

To process our business data may also be passed to Third-parties:

- Personal data is passed to our IT software systems and IT services suppliers, to our EPC partner, landlords, tenants and occasionally to other service providers.
- To cleaners and contractors who service and maintain properties.
- To accountants, lawyers and other specialists who may assist in the running of our business or be involved during the transactional process.
- To HMRC regulators who require reporting of processing activities.
- To the Property Ombudsman.
- To other HMG agencies that lawfully might request access to the information.

Personal Data passed will be the minimal required to perform the allocated tasks or functions and 3rd Parties are required to be compliant with the GDPR and DPA 2018.

How we Use personal data and Lawful Reason for Processing:

- We will only use the personal data as the law allows us to – most commonly where we need to perform the **contract** we are about to enter into with you as a tenant, landlord, buyer, seller or other arrangements entered into including effecting credit reference checks and facilitation payments and to carry out obligations arising from or in relation to your contract with a third party.
- Where it is necessary for our **legitimate interests** (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with **legal or regulatory obligation**.

*Generally, we do not rely on **consent** as a legal basis for processing your personal data other than in relation to sending direct marketing communications. You have a right to withdraw consent to marketing at any time by contacting u. Details are provided in this Privacy Policy.*

Contract, Legitimate Interest and Legal Obligation form the main lawful reasons for processing your data. Marketing contact will be maintained by Consent that is recorded on our digital management system and can be revoked at any time.

Some examples of our processing of your data - it's type - and our legal bases for doing this:

- Registration as a new tenant, landlord or guarantor – Identity, Contact and Financial Data – by performance of a **Contract**.
- To facilitate enquiries about properties, arrange viewings, etc – Identity, Contact, Profile – by **Legitimate Interest** in the running of our business.
- To facilitate the protection of user's tenant deposits with a regulated deposit protection provider – Identity, Contact – necessity to comply with **Legal obligation**, performance of a **Contract**, necessity for **Legitimate interests**.
- To process the Sale of a property – Identity, Contact, Financial, Special Category data – to facilitate completion of a **Contract** and comply with **Legal obligation** in legislation such as HMRC, AML and the Property Ombudsman.
- Contact to arrange maintenance or servicing of a property can be by **contract** or **legitimate interests** if checking with you that everything is in order as part of an ongoing service or survey of opinion.
- Sending of newsletters or general marketing material – Identity, Contact, Marketing and Communications – lawful processing is continued by a process of **Consent** that can be withdrawn at any time.

Processing of Data

Personal Data is initially loaded on to our residential sales and lettings management IT system that is used to assist in managing and monitoring your communications and dealings with us. This system will also manage your Consent to marketing; it also provides a timeline and with the summary information of any transactions that you complete with us maintains a processing record of your data. The main Transactional Files are kept on paper in locked filing storage from where it will be transferred to off-site secure storage until we are able to request destruction once our legal obligations for retention have been satisfied.

Data Security

We have put in place appropriate security measures – physical, procedural and technical - to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and there are subject to a duty of confidentiality.

We have put in place 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.

Data Retention

While we will only retain your personal data for as long as necessary to fulfil the purposes we collect it you should be aware that we have to conform with the requirements to retain documents demanded by all of the legal processes and obligations that are applicable; these include the requirements of The Property Ombudsman.

Marketing data will be retained as specified in our web-site or when we enter you into our marketing systems in any other way. You can request of any data held for marketing purposes at any time.

The marketing and transactional data on our IT systems may be deleted or anonymised and used for reporting and analytical purposes; as such, anonymised and deleted data requires no further reporting to you.

Your subject rights:

Request Access to your personal data (data subject access request): This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request Correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected although we may have to verify the accuracy of any new information that you provide us.

Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process or hold it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to processing of your personal data where we are relying on a legitimate interest (or those of a third data) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which overrides your rights and freedoms.

Request the restriction of processing. This enables you to ask us to suspend the processing of your personal data in the following scenarios: a) if you want us to establish the data's accuracy; b) where our use of the data is unlawful but you do not want us to erase it; c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; d) you have objected to our use of the data but we need to verify whether we have overriding legal grounds to use it.

Request the transfer of your personal data to you or a third party. We will provide you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of these rights set out above, please contact us.

No Fee usually required.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us to confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Changes

Any changes to our privacy policy will be published here and will be sent to you if appropriate.

Contact

Please contact us with any comments, questions or feedback.