

## **Stoneshaw Estates – Privacy Notice policy**

### **New Clients:**

Stoneshaw uses a “just-in-time” methodology to deliver transparency and fair processing notices. Immediately below is our Introductory notice for new clients who have not yet transacted with us. If you would like to know more, a full explanation of our fairness and processing measures are contained in the General Privacy Notice that follows.

### **Introductory Privacy Notice**

Thank you for your enquiry. By registering on our web-site you will have provided contact details such as name, address, email address, phone numbers plus any preferences for contact method and whether you are interested in buying or renting. This information will now be registered and recorded on the digital system we use to monitor and manage your relationship with Stoneshaw Estates.

We will lawfully use the personal information that you have provided through our legitimate interests to communicate with you, arrange visits and perform any other actions required to progress your enquiries; we may also contact you about related offerings unless you ask us not to.

Your personal data may also be collected through enquiries made through face to face meetings or telephone calls, when we may also collect personal data from landlords and vendors who may wish to register with us; further information such as property types, preferences and any other information required to progress your enquiry or registration may be collected at this time. All data will be recorded on our digital management system.

Should you provide consent and ask us to, we may pass your contact details to a partner company who may then become the controller of your data for that interaction and any potential transaction.

Please be aware that if you wish to withdraw this consent, or want us to cease contact or stop sending marketing material, this can be done at any time simply by advising us.

A full version of our **general privacy policy** follows. One can also be requested from our office. The general notice describes how we address all other aspects of data protection and also gives you details of your rights under the GDPR and DPA 2018.

### **Note for Clients who may be entering into a Transaction:**

Stoneshaw uses a “just-in-time” methodology in delivering transparency and fair processing notices. Immediately below is our General Privacy notice and this should be read in conjunction with the privacy notice specific to your transaction that you will have received as part of our working processes.

## **Stoneshaw Estates – General Privacy Notice**

### **Summary**

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

This notice describes how we inform you about 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.

It should be read in conjunction with other privacy notices that we may provide at different stages in our processes should you transact with us.

Please be aware that completion of property agreements and transactions with us can require data to be held for periods of up to 7 years and sometimes more in the case of Lettings. Therefore, any request for erasure of

personal data during these periods will not result in the deletion of all of your documents; legal reasons – whatever these are- will always over-ride such deletion 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 and some other times; this is so we can offer additional products and services provided by Stoneshaw or by external partner companies. You can withdraw consent at any time. This can be achieved very easily by emailing us or by contacting staff at our office.

### **Our Privacy Notice Methodology:**

In order to help describe our processes as simply as possible we use a layered and incremental approach. This is so we can advise you of the data we collect as we collect it; this General privacy notice describes elements that are common throughout the processes for whatever Stoneshaw service you may transact, and it is always suggested that you read it in conjunction with any other privacy information.

Other privacy notices include:

#### **1. Registration or Introductory 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 offered by you and collected to assist in selecting properties will be treated confidentially. The initial registration privacy notice is given to you at this time in our acknowledgement correspondence.

#### **2. Specific Privacy Notices – provided at transaction time:**

- **Tenants**
- **Buyers**
- **Vendors**
- **Landlords**

#### **3. A Short Privacy Notice – a reminder of Stoneshaw policies:**

- This can be requested from our office in Dagenham.

#### **4. This Privacy Notice – the General Privacy Notice**

##### **The General Privacy Notice:**

The General Privacy Notice is published on and is down-loadable from our web-site; it can also be requested by calling our Office.

The General privacy notice gives details of many aspects of data protection that are common across our processes such as:

- Who we are
- Your data subject rights
- Processing of data
- Retention of data
- Data security and how we process and store it

And gives a general overview of:

- Personal data we collect
- Where and when we collect it
- What we use it for
- Where it is shared with 3<sup>rd</sup> parties

## Who we are:

Our full details are:

Stoneshaw Estates, [info@stoneshaw.com](mailto:info@stoneshaw.com) 271 Heathway, Dagenham, RM5 9AQ, Office: 020 8595 3380

### Data Controller

Stoneshaw Estates acts as a data controller for your personal data and we are registered with the ICO and we and our partners operate in compliance with both the GDPR and the DPA 2018.

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](http://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.

### 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.

### **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.

### **The data we collect about you:**

- *may be used:*
  - to contact you to progress enquiries about our services
  - to arrange viewing or surveys
  - 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 assist HMG in confirming identity or responding to anti money-laundering enquiries
  - to respond to requests for information from HMRC
  - to advise you of related products and services you might be interested in from Stoneshaw or our partners
  - to help us run our business by supplying figures for sales, income and other financial analysis
  - we may match properties based on your stated preferences

## When and how we collect information

- When you first contact us, you will generally supply Stoneshaw with contact information (name, mail and email address, phone number) and 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; if so we may record this request but we will aim to minimise any explicit special category data.
- We collect **Special Category Data** at a contractual or transaction stage; this is to meet legal obligations required by legislation such as the Anti-Money Laundering laws, to confirm identity in financial transactions to assess 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:

#### *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.
- Minimal contact details to cleaners and contractors who service and maintain properties.
- Likewise, to accountants, lawyers and other specialists who may assist in the running of our business or be involved during the transactional process.
- To 3<sup>rd</sup> party partners offering complementary services.
- 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 3<sup>rd</sup> Parties providing business functions for Stoneshaw are required to be compliant with the GDPR and DPA 2018.

Personal data passed to 3<sup>rd</sup> party external partners will be at your request and with your consent. The partner company will take over data controller responsibilities for that interaction and any transaction that may be completed.

*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. Marketing contact will be maintained by Consent that is recorded on our digital management system. You have a right to withdraw consent to marketing at any time by contacting us. Details are provided in this Privacy Policy.*

*Contract, Legitimate Interest and Legal Obligation form the main lawful reasons for processing your data.*

*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 and also provides an index to any transactional files held on paper either in our office or at a secure external site. The main Transactional Files are kept on paper in locked filing storage from where they are archived and transferred to off-site secure storage on completion of the contract (when they become inactive) and kept until we are able to request destruction once all legal obligations for retention have been satisfied.

### **Data Security**

We have put in place appropriate security measures – physical, procedural and technical (minimising data held at our office) 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 the data held for marketing purposes to be deleted or for any consent to be withdrawn 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.

There are a number of legal obligations that apply to the Paper Files that hold all of the sales and lettings transaction data. The Property Ombudsman has a requirement of 6+ years for all transactional data; HMRC the same period for financial data; the Anti-Money Laundering legislation 5 + years. Stoneshaw archives this data securely when the files become inactive and arrange secure destruction after 6+ current years.

### **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 to 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 (of the legitimate interest of a 3<sup>rd</sup> party) 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.

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 our Office with any comments, questions or feedback.

This Privacy Notice: was originally issued 20<sup>th</sup> May 2018.  
This revision dated 14<sup>th</sup> January 2019