

Data Privacy and Security Policy

1. Introduction

This Privacy Policy sets out how we use any information that you share with Nicholson's Lettings and Management, or which we receive from other organisations, and how we protect your privacy.

By using our website, social media pages, or providing your information to us, you consent to our collection and use of the information you provide in the ways set out in this policy.

2. Legal Information

Mr Anthony Nicholson and Mr Timothy Nicholson t/as Nicholson's Lettings and Management take the issue of security and data protection very seriously and strictly adhere to guidelines published in the General Data Protection Regulation which is applicable from 25th May 2018. We may make changes to this policy from time to time. If we do so, we will post the changes on this page and they will apply from the time we post them.

Our Data Protection Officer is Mr Anthony Nicholson – Contact (01723) 362401 and any questions relating to our privacy practices should be sent to him.

3. The Policy in Summary

It is important to consider the full policy to understand what information we hold, how we may use it, and what your rights are – but here is a quick summary:

- We collect information that is either personal data, ie. name, address, email, photographic ID or non-personal data; place of employment, salary information
- We collect information about the people we assist; Tenants and Landlords, Vendors and purchasers, Freeholders and Leaseholders.
- We collect and process information to provide services, to provide information and for administration.
- We only collect the information that we need or that would be useful to us in our quest to provide the best possible service.
- We will only collect and use the minimum amount of data for the above purpose. The aim is to cause the minimum privacy impact, and anybody receiving information from us should not be surprised or likely to object.
- In certain instances, we collect and use your personal information by relying on the legitimate interest legal basis set out in General Data Protection Regulations (GDPR) 2018.
- We do our very best to keep personal information secure, including personal data online.
- We will never sell your data and we will never share it with another company for marketing purposes.

- We only share data where we are required by law or with carefully selected partners who do work for us.
- All our partners are required by their contract to treat your data as carefully as we would, to only use it as instructed by us, and to allow us to check that they do this.
- Our website uses cookies. Cookies are an essential part of our Site works and are placed there and used solely by Nicholson's Lettings and Management.
- We also offer you the facility to share your experience on our site through social media sites such as Facebook and Twitter. By using these features, you are consenting to allow cookies from these providers. More information on how these providers use Cookies can be found at their websites.

4. The Full Policy - Data Privacy and Security Policy

This policy applies to all the websites we operate, our use of emails, mail and text messages for marketing purposes, and any other methods we use for collecting information. It covers what we collect and why, what we do with the information, what we won't do with the information, and what rights you have.

5. What information do we collect and why?

We collect and retain personal information about you through various means, including:-

- via our website (for example via our 'Contact Us' page)
- via telephone, email or other electronic correspondence
- via networking or meetings
- Through operating our business and liaising with other professionals and other referrers
- We require proof of identity documentation to comply with the current Money Laundering Regulations. Usually we need to take our own copies of your passport and photo driving licence, and we will often ask to take copies of recent bank statements and council tax/utility bills. The 'official' name for the current UK money laundering regulations is: Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.
- For a tenant renting under the 'Right to Rent' scheme we will collect details of the Biometric residence card, the immigration status document and/or the birth certificate to carry out our required checks under this scheme.
- Evidence of income for affordability checks for rental purposes, for example; payslips, bank statements, pension statements.
- We require documentary evidence in order to identify the legal owners of properties and land that we market, and properties we let
- From property portals such as: Rightmove and OnTheMarket who send us your personal data when you have requested them to do so.
- In the case of a purchase, we require to see 'proof of funds' prior to sales progression.

We will only ever collect the information that we need to undertake and perform our obligations and duties to you in accordance with the terms of our contract or business with you.

- Personal information such as name, postal address, phone number, NI number, email address, date of birth (where appropriate), Nationality, your preferred contact preferences, other information relevant to a tenancy, ie. next of kin details and information, bank or debit card details.

6. What do we do with the information?

- We will use the information you provide to: Process rent payment transactions, other payments and verify financial transactions
- To enable us to supply you with the services and information which you have requested
- To undertake and perform our obligations and duties to you in accordance with the terms of our contract with you.
- Carry out specific activities associated with the setting up and management of our core business strands
- To carry out due diligence on any prospective tenant, including whether there may be any money judgements against them, or any history of bankruptcy or insolvency.
- Provide a personalised service to you
- Record any contact we have with you
- Prevent or detect fraud or abuses of our websites and enable third parties to carry out other functions on our behalf For all other purposes consistent with the proper performance of our operations and business.

7. We will mainly use your data to:

- Provide you with the services or information you have asked for
- Handle instruction, deliver our services and communicate with you about matters relating to the setting up and management of the tenancy, Block Management and Estate Agency Service
- Keep a record of your relationship with us
- Ensure we know how you prefer to be contacted
- Understand how we can improve our services.

8. Using your information for marketing

As of May 2018, we will only send marketing information to people who have specifically said that they agree for us to do so and to those, Nicholson's have a legitimate interest in communicating with.

9. Consent

Data Protection says that we are allowed to use and share your personal data only when we have a proper reason to do so. The law says we must have one or more of these reasons and these are:

Contract: Your personal information is processed in order for us to fulfil a contractual arrangement – ie. Tenancy Agreement, Estate Agency or Block Management.

Consent: where you agree to us using your information in this way

Legitimate interests: This means the interests of Nicholson's in managing our core business to provide you with the best service in the most secure and appropriate way.

Legal Obligation: Where there is a statutory or other legal requirement to share the information – ie. for law enforcement purposes, money laundering.

Having given consent by any communication channel, you may withdraw that consent at any time by contacting our office on (01723) 362401

10. Sharing your information

We will only share your information if:

- We are legally required to do so, e.g. by a law enforcement agency legitimately exercising a power
- or if compelled by an order of the Court We believe it is necessary to protect or defend our rights, property or the personal safety of our people or visitors to our premises or websites
- We are working with a secure partner that is carrying out work on our behalf. These secure partners may include The Tenancy Deposit Scheme, Legal for Landlords, The Property Redress Scheme, The East Yorkshire Property Auction, Companies House and IT specialists. The kind of work we may ask them to do includes; processing and mailing supporting documentation, answering questions in relation to the analysis they undertake, sending postal mail, emails and text messages, registration, report production, carrying analysis and processing card payments.
- We enter into a joint venture with or merged with a business entity, your information may be disclosed to our new business partners or owners.
- To carry out due diligence on you as a prospective tenant/guarantor, including but not limited to the carrying out of affordability checks, due diligence checks and the obtaining of references from relevant parties, whose data you have provided.
- If you request so, your information shall be disclosed in order to determine if there are any money judgements against you, as the prospective tenant/guarantor, or to determine if they have a history of bankruptcy or insolvency.
- If you are unable to make payments under your tenancy, our information may be disclosed to any relevant party assisting in the recovery of this debt or the tracing of you as a tenant
- In the creation, renewal or termination of the tenancy, your information will be disclosed to the relevant local authority, tenancy

scheme deposit administrator, service/utility provider, freeholder, facilities manager or any other relevant person or organisation in connection with this.

- In the managing of the tenancy and block management, your contact details will be disclosed to the appropriate trusted Contractors to enable access arrangements for fulfilling property maintenance requirements.
- As a Landlord or Tenant we will disclose in full the Assured Shorthold Tenancy Agreement(AST) to both parties.
- Landlord and Tenant contact details will be passed to the Tenancy Deposit Scheme.
- .When we do not manage a tenanted property, or are instructed on a 'Tenant Find' only basis, we will pass the relevant contact details between Landlord and Tenant, we will disclose Landlord's bank account details to the approved Tenant(s) in order for them to transfer rent.
- Guarantor and permitted occupiers contact details will automatically be passed to a Landlord.
- **Sales – Sellers and Buyers:** Before a property is launched to the market an EPC will be required and we will pass your contact and property details to our approved third party provider. During the course of any offer, negotiation, agreeing the sale of property or land, it is very likely that the buyer and/or their mortgage lender will need to gain access to your property to undertake a valuation and/or survey. We will provide them with the minimum of your details such as the full property address and the contact telephone number for you so that they can arrange a mutually convenient appointment.
- Buyers – during the course of any offer negotiation or when a sale is agreed we will pass both seller and buyer personal details to their respective solicitors. Full chain details of your name and address will be provided to other solicitors in the chain, and sometimes to other estate agents in the chain. Where you are not the legal owner of the property we will request details from you as to your ability to sell or let the property, such as a Power of Attorney, Grant of Probate or Guardianship Order.
- Unless required to do so by law, we will not otherwise share, sell or distribute any of the information you provide to us without your consent

Block Management:

- Service providers acting as processors who provide services, including Property Maintenance services; IT services; Credit reference agencies; Anti-Money Laundering (AML) service providers; Bailiffs and debt collection agencies; .
- Banks (to whom Financial & Transaction Data may be disclosed for the purposes of payments and receipts in respect of our work)

- Other professional advisers (acting as processors or joint controllers) including lawyers, auditors and insurers who provide consultancy, legal, insurance and accounting services.
- HM Revenue & Customs, regulators, and other authorities (acting as processors or joint controllers) who may require reporting of processing activities in certain circumstances.
- Utility Companies; Independent experts/arbitrators; Joint Agents and Developers.

We only choose partners we trust. We will only pass personal data to them if they have signed a contract that requires them to:

- Abide by the requirements of the Data Protection Act and GDPR
- Treat your information as carefully as we would
- Only use the information for the purposes it was supplied (and not for their own purposes or the purposes of any other organisation)

12. Storing your Information and Data Security

Information is stored by us on computers located in the UK. We may also store information in paper files. We place a great importance on the security of all personally identifiable information. We have security measures in place to attempt to protect against the loss, misuse and alteration of personal data under our control. For example, only authorised personnel are authorised to access user information. While we cannot ensure or guarantee that loss, misuse or alteration of data will not occur while it is under our control, we use our best efforts to try to prevent this.

Unfortunately, the transmission of data across the internet is not completely secure and whilst we do our best to try to protect the security of your information we cannot ensure or guarantee that loss, misuse or alteration of data will not occur whilst data is being transferred.

We will keep your information only for as long as we need it to provide you with the services or information you have requested, to administer your relationship with us, to comply with the law, or to ensure we do not communicate with people that have asked us not to. The period that we are required to retain financial information by applicable UK tax law is currently 6 years, when we no longer need information, we will always dispose of it securely.

13. What we don't do with your information

We will never sell or share your details to other organisations to use for their own purposes.

14. Your rights You have the right at any time to:

- The right in certain circumstances to have inaccurate personal data rectified, blocked, erased destroyed
- Object to receiving any marketing communications from us

- Ask for a copy of the information We hold about you (known as a subject access request)
- You have a right to ask us to stop processing your personal data, if it is not necessary for the purpose you provided it to us for (e.g. creating and managing a tenancy, Estate Agency marketing) we will stop.

15. Employees

Information will be used only for purposes directly relevant to your employment. After your employment has ended, we will keep your file for six years before destroying or deleting it

Please contact us on 01723 362401 office hours Monday to Friday or by emailing scarborough@nicholsons.uk.com if you have any concerns.

If you believe that any information we are holding on you is incorrect or incomplete, or you wish to change your contact preferences at any point you can do so by calling us on 01723 362401 office hours Monday to Friday or by emailing scarborough@nicholsons.uk.com

You have a right to ask for a copy of the information we hold about you. If you want to access your information, send a description of the information you want to see and proof of your identity by post to Nicholsons Lettings and Management, 4 Valley Bridge Parade, Scarborough, YO11 2PF. We may not accept these requests by email to ensure that we only provide personal data to the right person. For more information about your rights under the Data Protection Act go to the website of the Information Commissioner's Office at ico.org.uk