

*NAISH ESTATE AGENTS LIMITED*

*PRIVACY POLICY*

**1. Introduction**

This Privacy Policy provides you with details of how we collect and process your personal data including any information you may provide when you become a client or when you register as an applicant, book a market appraisal or sign up to mailing list.

By providing us with your data, you confirm that you are over 13 years of age.

Matthew Hendry of Naish Estate Agents Limited is the data controller and is responsible for your personal data (referred to as 'we', 'us' or 'our' thereafter in this policy notice).

Our appointed Data Protection Officer (DPO) is Matthew Hendry. If you have questions about this notice, please contact the DPO using the details below:

Matthew Hendry

3 High Petergate,

York

YO1 7EN

[matt@naishproperty.co.uk](mailto:matt@naishproperty.co.uk)

01904 653 564

If you are not happy with any aspect of how we collect and use your data, you have the right to complain to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.co.uk](http://www.ico.co.uk)). We should be grateful if you could contact us first if you do have a complaint so we can attempt to resolve this for you.

It is very important that the information we hold about you is accurate and up to date. Please do inform us at any time if your personal information changed by emailing us at [naish@naishproperty.co.uk](mailto:naish@naishproperty.co.uk)

**2. Data We Collect**

Personal data means any information capable of identifying an individual. It does not include anonymised data.

We may process certain types of personal data about you as follows:

**2.1 Identity Data** may include your first name, maiden name, last name, username, marital status, title, date of birth and gender.

**2.2 Contact Data** may include your billing address, delivery address, email address and telephone numbers.

**2.3 Financial Data** may include your bank account and payment card details, or evidence of availability of cash funds or the ability to raise mortgage finance

**2.4 Transaction Data** may include details about payments between us and other details of progress on transactions we are handling or transactions agreed by you on

other properties not handled by us in order to verify financial position.

**2.5 Technical Data** may include your login data, internet protocol addresses, browser type and version, browser plug-in types and versions, time zone setting and location, operating system and platform and other technology on the devices you use to access this site.

**2.6 Profile Data** may include your property interests and preferences, feedback and survey responses.

**2.7 Usage Data** may include information about how you use our website, products and services.

**2.8 Marketing and Communications Data** may include your preferences in receiving marketing communications from us and our third parties and your communication preferences.

**2.9 Any other data we are required to collect by law in order to comply with Money Laundering Regulations or Immigration Act requirements, or to prevent fraud.**

We may also process Aggregated Data from your personal data but this data does not reveal your identity and as such in itself is not personal data. An example of this is where we review your Usage Data to work out the percentage of website users using a specific feature of our site. If we link the Aggregated Data with your personal data so that you can be identified from it, then it is treated as personal data.

Where we are required to collect personal data by law, or under the terms of the contract between us and you do not provide us with that data when requested, we may not be able to perform to deliver services to you. If you don't provide us with the requested data, we may have to refuse the service you have requested but if we do, we will notify you at the time.

### 3. How We Collect Your Personal Data

We collect data about you through a variety of different method including:

**3.1 Direct Interaction:** You may provide data by filling in forms on our website (or otherwise) by communicating with us by post, phone, email or otherwise, including when you:

- Become a client in relating to legal work, valuation work, or an estate agency introduction;
- Register as an applicant, vendor, landlord, or tenant;
- Create an account on our site;
- Subscribe to our service or publication;
- Request resources or marketing to be sent to you;
- Enter a competition, prize draw, promotion or survey; or
- Give us feedback.

**3.2 Automated technologies or interactions:** As you use our site, we may automatically collect Technical Data about your equipment, browsing actions and usage patterns. We collect this data by using cookies, server logs and similar technologies. We may also receive Technical Data about you if you visit other websites that use our cookies.

**3.3 Third Parties or publicly available sources:** We may receive your personal data from various third parties and public sources as named below;

- Transaction Data from other legal practices or estate agents
- analytics providers such as Google based outside the EU;
- advertising networks based inside OR outside the EU; and
- search information providers inside OR outside the EU
- Contact, Financial and Transaction Data from providers of technical, payment and delivery services based inside OR outside the EU
- Identity and Contact Data from data brokers or aggregators based inside OR outside the EU

- Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU

#### 4. How We Use Your Personal Data

We will only use your personal data when legally permitted. The most common uses of your personal data are:

- 4.1 Where we need it to perform the contract or service between us.
- 4.2 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.
- 4.3 Where we need to comply with a legal or regulatory obligation.
- 4.4 Otherwise only with your consent.

Generally, we do not rely on consent as a legal ground for processing your personal data, other than in relation to sending marketing communications to you via email or text message.

#### Purposes for processing your personal data

Set out below is a description of the ways we intend to use your personal data and the legal grounds on which we will process such data. We have also explained what our legitimate interests are where relevant.

We may process your personal data for more than one lawful ground, depending on the specific purpose for which we are using your data. Please email us at [naish@naishproperty.co.uk](mailto:naish@naishproperty.co.uk) if you need details about the specific legal grounds, we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing
To register you as a new customer	(a) Identity (b) Contact © Financial	(a) Performance of a contract or service with you (b) Necessary to comply with a legal obligation
(a) To process any transaction to completion (b) Manage payments, fees and charges (c) Collect and recover money owed to us (d) Supply you with property details (e) Verify your financial position (f) To request feedback on any property or to offer or arrange a viewing	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	a) Performance of a contract or service with you (b) Necessary for our legitimate interests to recover debts owed to us (c) necessary to comply with our professional guidelines.
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	a) Performance of a contract or service with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests to keep our records

(b) Asking you to leave a review or take a survey		updated and to study how customers use our products/services
To enable you to partake in a prize draw, competition or complete a survey	a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract or service with you (b) Necessary for our legitimate interests to study how customers use our products/services, to develop them and grow our business
To administer and protect our business and our site (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise (b) Necessary to comply with a legal obligation
To deliver relevant content and advertisements to you and measure and understand the effectiveness of our advertising	a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	a) Technical (b) Usage	Necessary for our legitimate interests to define types of customers for our products and services, to keep our site updated and relevant, to develop our business and to inform our marketing strategy
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests to develop our products/services and grow our business

### Marketing communications

You will receive marketing communications from us if you have:

- requested information from us or purchased goods or services from us; or
- if you provided us with your details and consented at the point of entry of your details for us to send you marketing communications; and
- in each case, you have not opted out of receiving that marketing.

We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by emailing us at [naish@naishproperty.co.uk](mailto:naish@naishproperty.co.uk) at any time.

Reviewed: 21.05.2024

Where you opt out of receiving our marketing communications, this will not apply to personal data provided to us in the exercise of our professional services.

### **Change of purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to find out more about how the processing for the new purpose is compatible with the original purpose, please email us at [naish@naishproperty.co.uk](mailto:naish@naishproperty.co.uk)

If we need to use your personal data for a purpose unrelated to the purpose for which we collected the data, we will notify you and we will explain the legal ground of processing.

We may process your personal data without your knowledge or consent where this is required or permitted by law.

## **5. Disclosures of Your Personal Data**

We may share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above:

- 5.1** Any data processor we use to assist in providing our services, our marketing communications or management software, such as Rightmove, OnTheMarket, Jupix, ALTO, Brief Your Market, etc;
- 5.2** Service providers who provide IT and system administration services;
- 5.3** Professional advisers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services, or other estate agents and solicitors involved in a chain of properties of which your transaction forms part;
- 5.4** HM Revenue & Customs, regulators and other authorities based in the United Kingdom and other relevant jurisdictions who require reporting of processing activities in certain circumstances;
- 5.5** Third parties to whom we may in the future sell, transfer, or merge parts of our business or our assets.

We require all third parties to whom we transfer your data to respect the security of your personal data and to treat it in accordance with the law. We only allow such third parties to process your personal data for specified purposes and in accordance with our instructions.

## **6. International Transfers**

Countries outside of the European Economic Area (EEA) do not always offer the same levels of protection to your personal data, so European law has prohibited transfers of personal data outside of the EEA unless the transfer meets certain criteria.

Our third parties service providers are based inside the European Economic Area and store their data within the EEA so far as we are aware.

## **7. Data Security**

We have put in place appropriate security measures 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 such data. They will only process your personal data on our instructions and they 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.

## **8. Data Retention**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers under contract law. Certain records required for tax purposes must be retained for longer and the Solicitors Regulations Authority recommends that records for clients' transactions should be retained for 12 years.

In some circumstances you can ask us to delete your data: see below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## **9. Your Legal Rights**

Under certain circumstances, you have rights under data protection laws in relation to your personal data. These include the rights named below, but note that we cannot action your rights where legal obligations to retain data override them:

- 9.1** Request access to your personal data;
- 9.2** Request correction of your personal data;
- 9.3** Request erasure of your personal data;
- 9.4** Object to processing of your personal data;
- 9.5** Request restriction of processing your personal data;
- 9.6** Request transfer of your personal data;
- 9.7** Right to withdraw consent.

You can see more about these rights at:

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/>

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 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.

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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.

#### **10. Third-Party Links**

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

#### **11. Cookies**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our website may become inaccessible or not function properly.