



Harpers and Hurlingham are committed to ensuring that your privacy is protected and our use of your personal information is governed by this Privacy Notice.

## **Privacy Notice**

We will treat your personal information as confidential and in accordance with applicable data protection legislation. Your personal information will only be shared with others in accordance with this Privacy Notice.

### **1. What personal information do we collect?**

We will collect your full name and contact details (such as phone number, email address and postal address) from whenever you engage with us.

In addition, if we are providing a service to you, where we are required to do so by law, we will collect information relating to your identity, which will be at least one form of photographic identification (such as passport or driving licence) and one form of documentation with proof of your place of residence (such as a recent utility bill).

Depending on the service that we provide to you, we may also collect additional personal information as detailed below:

#### **If you register your details with us in order to find a property to buy or rent, we collect the following information:**

- Your full name, phone number, email address and postal address.
- Your current property status, for example whether your property is on the market, under offer, or you have nothing to sell.

#### **If we are selling your property:**

- Where you are not the legal owner of the property we will request details from you as to your ability to sell the property such as Power of Attorney or Grant of Probate.

#### **If we are letting your property:**

- We will collect your bank account details to enable the tenant to set up their rental payments to your account.

#### **If you are renting a property through Harpers and Hurlingham:**

- We may require your bank details to arrange the return of your deposit through the tenancy deposit scheme.
- If you are a tenant under the 'Right to Rent' scheme we will collect details of your Biometric residence card, your immigration status document and/or your birth certificate to carry out our required checks under this scheme.



## **2. How we use your personal information:**

Data protection law says that we can only use personal data if we have a proper reason to do so. For example, these reasons include fulfilling a contract we have with you, when we have a legal duty, when it is in our legitimate interest or when you consent to its use. When data protection law allows us to process your personal data for our own legitimate interests, it is only allowed provided those interests do not override your own interests and/ or your fundamental rights and freedoms.

An example of where we would process your personal data for our legitimate interests would be where you believe you are the victim of fraud and in order to investigate your claim we may have to share your name and birth dates and contact information and other details of the case with any legitimate investigating body involved. Sharing personal data in these circumstances would not only be in our legitimate interest but also yours. An example of us using your personal data when we have a legal duty, is where we must do so in order to comply with anti-money laundering obligations.

### **If you register your details with us in order to find a property to buy or rent:**

- We will email you and call you with details of properties that we think match your search requirements and to confirm viewing appointments.
- We may use your personal data to tell you about relevant properties and services that we think you may find interesting. We can only use your personal data to send you marketing messages if you have given your consent or it is for a legitimate interest (when we have a business reason to use your information).

### **Selling, letting, buying or renting:**

- We will use your personal information for purpose of fulfilling our obligations to you to sell or let your property.
- We will share your personal information with your appointed solicitor and the solicitors acting for the other side to facilitate the sale or purchase.
- If you are renting a property we are acting as letting agent of, we will share your personal data with third party referencing agencies for the purposes of the prevention and detection of crime, fraud and/or money laundering and checking the suitability to rent that property.
- Where we are managing a property on your behalf we may need to pass your personal information from to third party contractors whom we have engaged to carry our maintenance on your property.

### **Other uses for your personal information:**

- If we sell our business and/or integrate it with another organisation they may only be permitted to use your information in the same or similar way as set out in this privacy notice.



- We will share your personal information with governmental organisations, law enforcement authorities and with courts, tribunals and arbitrators as may be required from time to time in order to comply with our legal obligations.

### **3. How we keep your personal information secure:**

The security of your information is very important to us and we have measures in place which are designed to prevent unauthorised access to your personal information, including but not limited to:

- Hard copy documentation is stored in locked cabinets.
- Our client files are stored on a secured data system, with passcode access.

### **4. For how long do we keep your personal information**

We will retain your personal data for as long as we are obliged, under relevant legislation and regulation, or where no such rules apply, for no longer than it is necessary for our lawful purposes. This will usually be no more than seven years from the point at which the obligation to retain a record containing your personal data begins. The retention period of your personal data may need to be extended where we require this to bring or defend legal claims. We may also retain data for longer periods for statistical purposes, and if so we will anonymise this.

### **5. Your rights in relation to your personal information**

You have the right to object to how we process your personal data. You also have the right to see what personal data we hold about you. You can ask us to correct inaccuracies, delete or restrict personal data or ask for some of your personal data to be provided to someone else. These rights are explained in more detail below.

Requests to exercise your rights to your personal data can be made by:

- By post: to "Attention: Data Protection Officer, Harpers & Hurlingham, The Corner House, Stone Street, Cranbrook, Kent TN17 3HE"
- By telephone: on 01580 715400
- By email: to [enquiries@harpersandhurlingham.com](mailto:enquiries@harpersandhurlingham.com)

Our Data Protection Officer can be contacted using the email address above.



Your data protection rights are subject to certain restrictions and conditions. We will assess your request and where we decide not to act upon this, we will notify you of our reasons for this. We will not make a charge for handling your rights request, unless we consider this to be manifestly unfounded or excessive (particularly if this is repetitive).

**Your rights are:**

**To be informed:** You have the right to be provided with clear, transparent and easily understandable information about how we use your personal data and your rights. We fulfil this right by giving you this notice.

**Access to your personal data:** You can request access to a copy of your personal data that we process as a data controller, together with details of why we use it, who we share it with, how long we keep it for and whether it has been used for any automated decision making.

**Right to withdraw consent:** If you have given us your consent, you can withdraw that consent at any time. Please contact us if you want to do so. If you withdraw your consent, we may not be able to provide certain services to you. If this is the case, we will tell you.

**Right to object:** You may object to our processing of your personal data by us, where this processing is based on our legitimate interests or in the public interest. We will assess whether our interest in continuing to process your personal data overrides your rights and freedoms. If not, we will stop processing your personal data. Either way, we will inform you of the outcome.

You have the right to object to direct marketing (including marketing-related profiling) and if you do so, we must stop these types of activities. (See "[Automated decision making and profiling](#)" and "[Marketing](#)" below.)

**Rectification:** You can ask us to change or complete any inaccurate or incomplete personal data held about you.

**Erasure:** This is also known as "the right to be forgotten" and this means that you can ask us to delete your personal data where it is no longer necessary for us to use it, you have withdrawn consent (where applicable), or where we have no lawful basis for keeping it or otherwise using it. There are limited exceptions, for example where we need to use the information to bring or defend a legal claim.

**Portability:** You can ask us to provide you or a third party with some of the personal data that we hold about you in a structured, commonly used, electronic form, so it can be easily transferred. This is limited to personal data you have provided with your consent or in relation to the products you have with us, and which we process by automated means, such as your account transaction data.



**Restriction:** You can ask us to restrict the personal data we use about you where:

- it is inaccurate;
- you have asked for it to be erased;
- you have objected to our use of it; or
- where you need this for the bringing or defending of legal claims.

When you have asked us to restrict the use of your personal data we may still store your information but will not use it further without your consent, unless we need to process it:

- to bring or defend legal claims;
- to protect the rights and freedoms of other individuals; or
- for other important public interest reasons.

#### **Automated decision making and profiling**

- Sometimes we use your personal data in **automated processes** to make decisions about you. You have the right not to be subject to a decision based on solely automated processing, including profiling, if this will have a legal or other significant effect on you (unless certain exceptions apply).
- We will use your personal data in profiling in order to identify your suitability for property and services we offer and to inform you of these. This is in individuals' interests as it helps stop them receiving irrelevant marketing or being targeted with marketing about properties that are unsuitable. These types of profiling are only used in relation to our own properties and services and as such are generally not considered to have a significant effect on your rights and interests.