

Hamiltons Sales and lettings Ltd

GDPR Privacy Notice for Clients

WHAT IS THE PURPOSE OF THIS POLICY?

Hamiltons sales and lettings is a company which specialises in all property related requests.

We are committed to protecting the privacy and security of the personal information of Clients.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

Hamiltons sales and lettings is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current, former and future Clients (namely other people about whom we may gather information in the course of business).

We may update this notice at any time but if we do so, we will take reasonable steps to bring it to your attention by posting it on our website and providing a link to it in any communications with you.

It is important that you read this privacy notice. We have sought to write this in plain English. However, if you and any other clients express the view that it is difficult to read or understand, we will review this policy in the light of those comments

The intention of this policy is that you are aware of how and why we are using any personal information about you information and what your rights are under the data protection legislation.

WHAT ARE THE DATA PROTECTION PRINCIPLES?

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

WHAT KIND OF INFORMATION MIGHT YOU HOLD ON ME?

Clients: We will ask you to provide us with relevant information and data concerning the matter on which

You are seeking financial management, advice and guidance from us. This will include all documents relevant to the financial management of your financial affairs on which you have instructed us.

We will not unreasonably ask for information about you that is irrelevant to the basis of your instruction.

The information that we may collect, store, and use about you may include:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- A copy of your passport, proof of address and other checks necessary to ascertain your identity
- Your employment records, employment contract, offer letter, employer correspondence, payslips etc
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date and, if different, the date of your continuous employment.
- Leaving date and your reason for leaving.
- Any other documents relevant to your instruction to us.
- Credit reference or identity reference checks
- Publicly available records, such as HMRC or Companies House Records

We may also collect, store and use the following “special categories” of more sensitive personal information again which may be relevant to the financial management on which you have instructed us. This may include:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records, including:
 - where you leave employment and under any share plan operated by a group company the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision;
 - details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and
- Information about criminal convictions and offences.

We may be sent information about you from the other parties relevant to your financial management, on which you have instructed us.

Other parties:

Our clients may provide us with information about you including sensitive personal information about you. This might include letters, emails, text messages, social media messages or other written communications between you and our Client, or between you and another person, which is relevant to the basis on which our client has instructed us.

We may gather other publicly available information on you, including HMRC or Company House records, credit reference data or data on social media or otherwise on the internet.

HOW DO YOU COLLECT PERSONAL INFORMATION ABOUT ME?

As above, this information or documents or other data might be collected in the following manner:

- That you give us
- That our client gives us pursuant to a client instruction
- That we obtain with your permission from your GP, medical adviser or Occupational Health consultant
- That we are sent by another party in connection with a client instruction
- That we obtain from a credit reference or identity reference agency.

- That we may obtain from a publicly available source, such as HMRC or Companies House
- That we may obtain from internet inquiries, including social media

HOW WILL YOU USE PERSONAL INFORMATION ABOUT ME?

We will only use your personal information when the law allows us to.

Most commonly, we will use your personal information in the following circumstances:

1. In order to provide financial management advice or guidance to our Clients.
2. Where we need to perform the contractual arrangement we have entered into with you as our Client.
3. To correspond with you in connection with a Client matter or as necessary for the performance of this business.
4. Where we need to comply with a legal obligation.
5. 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.
6. We may also use your personal information in the following situations, which are likely to be rare:
 - Where we need to protect your interests (or someone else's interests).
 - Where it is needed in the public interest, to comply with a regulatory obligation or to comply with a statutory obligation.
 - To report a criminal offence.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

What happens if I fail to provide you with the information requested?

If you are our Client and you fail to provide certain information when requested:

- We may not be able to perform the contract we have entered into with you; or
- We may be prevented from complying with our legal obligations.

If you are our Client, we may therefore not be able to continue to act for you. If you fail to provide information, there may be adverse consequences in potential legal matters.

Will you change the purpose for which you hold information about me?

We will **only use** your personal information 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 we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How will you use Sensitive Personal Information about me?

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. For the purposes of financial management in which we are engaged on behalf of a Client or ourselves.
2. In limited circumstances, with your explicit written consent, for example to obtain a medical report about you.
3. Where we need to carry out our financial management obligations for which we are representing our Client
4. Where it is needed in the public interest, or to comply with a legal or regulatory obligation.
5. Less commonly, we may process this type of information where it is needed in relation to potential legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do you need my consent to use sensitive personal data?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our financial management obligations or exercise specific rights pursuant to our business as identified above.

In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data (for example, to obtain a medical report). If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

DO YOU USE AUTOMATED DECISION-MAKING?

We **will not** use personal information about you for automated decision making.

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

WILL YOU SHARE MY PERSONAL DATA WITH THIRD PARTIES?

We may share your personal data with third parties in certain circumstances.

Will you provide copies of personal information about me to a third party, and if so who?

We may give copies of personal information about you to the following parties:

- a. A Court for the purpose of legal proceedings
- b. The other party to legal proceedings for the purposes of complying with a Court Order or directions.
- c. To our Client for the purposes of obtaining instructions, keeping our client informed, or pursuing the purposes identified above.
- d. To our accountants so that they can audit our financial procedures (for example bank account details and BACS payments)
- e. To our bank (for example to set up a BACS payment).
- f. To our insurers (for example in the event of a complaint).
- g. To an Occupational Health Adviser or Medical expert for the purposes of obtaining a medical report
- h. For the purposes of maintaining records with our IT provider
- i. To consultants for the purposes of assessing our internal procedures
- j. Clients: When you give us permission or instruct us to do so

We **will not** sell data about you to third parties.

We **will not** for example, use information received about you in connection with your financial management of one client to advance the case of another client.

Why might you otherwise share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

We may also need to share your personal information with a regulator or to otherwise comply with the law. This may include making returns to HMRC, submission of data to Companies House, disclosures to shareholders such as directors' remuneration reporting requirements.

We will share personal data relating to your participation in any share plans operated by a group company with third party administrators, nominees, registrars and trustees for the purposes of administering the share plans.

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies.

We do not allow our third-party service providers to use your personal data for their own purposes.

We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Transferring information outside the EU

We **will NOT** transfer the personal information we collect about you to countries outside the EU.

If that position changes, we will only transfer data outside the EU in compliance with legal obligations, and subject to contractual and other relevant safeguards being in place.

HOW WILL YOU MAINTAIN DATA SECURITY?

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

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Our data is stored on remote servers protected by end to end encryption in accordance with industry standards to ensure that your data is not inappropriately accessed by third parties.

Data is not held on laptops or computers of staff. Authorised staff can only access your data by using relevant passwords and security measures.

Data is backed up on Google Cloud via Fasthosts, using Microsoft Office and Drop Box, and is password protected throughout our company with only Directors having access to that secured data.

Physical copies of files (whether open or closed) are held in a secure location where they cannot be accessed inappropriately by third parties, and in any event such physical copies of files are returned to clients on a regular, frequent and secure basis.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

HOW LONG DO YOU RETAIN DATA FOR?

We will only retain your personal information 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.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with any applicable laws and regulations.

How long will you retain information about me for in practice?

- We will retain the data identified above about you throughout the duration of the client instruction
- We will retain all data identified above for one year following the closure of the file to protect the necessary interests of the business in the event of a legal claim by you, by us, or by a third party.
- We will retain the data longer than that period, if in our reasonable view that data might be required by you the Client at a point in the future
- We will retain the information identified above for longer if we identify any actual or potential legal proceedings with respect to which data about you is relevant.
- We will retain basic Client identifying information (name, date of birth, address, contact details, previous employer) indefinitely.

Once our client relationship is concluded, we do not anticipate processing that data, other than for storage purposes

WHAT ARE MY RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION?

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

What are my rights in connection with personal information held by you?

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it. Please note that this does not include legally privileged communications.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please email simon@hamiltons-sales.co.uk

Do I have to pay a fee?

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

What do you need me to confirm my identity?

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights).

This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

DO I HAVE THE RIGHT TO WITHDRAW CONSENT?

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time.

To withdraw your consent, please email us at any time:- simon@hamiltons-sales.co.uk

Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

DO YOU HAVE A DATA PROTECTION OFFICER?

We have appointed a Data Protection Officer and this is simon kawmi.

HOW CAN I MAKE A COMPLAINT?

You can make a complaint in writing to simon@hamiltons-sales.co.uk or to our postal address.

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. Please see www.ico.org.uk

CAN YOU CHANGE THIS PRIVACY NOTICE?

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please email simon@hamiltons-sales.co.uk