

# PRIVACY POLICY

## 1. PURPOSE OF THIS POLICY

This policy describes how we collect and use personal data about you, in accordance with the General Data Protection Regulation (GDPR), Data Protection Act 2018 and any other national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK ('Data Protection Legislation').

Please read the following carefully to understand our practices regarding your personal data and how we will treat it.

## 2. ABOUT US

Doran Kennedy, "we", "us", "our", and "ours" refers to Doran Kennedy Sales Limited and Doran Kennedy Rentals Limited of 14 Park Brow Drive, Southdene, Kirkby, Liverpool, L32 6QP an estate agency registered in England and Wales as private limited companies.

For the purpose of the Data Protection Legislation and this policy, we are the 'Data Controller'. This means that we are responsible for deciding how we hold and use personal data about you. We have appointed a Data Protection Lead. Our Data Protection Lead is our Data Protection Point of Contact and is responsible for assisting with enquiries in relation to this privacy policy or our treatment of your personal data. Should you wish to contact our Data Protection Point of Contact you can do so using the contact details noted at paragraph 12 (Contact Us), below.

## 3. HOW WE MAY COLLECT YOUR PERSONAL DATA

We obtain personal data about you, for example, when:

- You ask us to sell your property or a property where you are not the legal owner of the property (e.g. Power of Attorney, Grant of Probate);
- You contact us about the purchase of a property that we are advertising for sale;
- You contact us about renting a property;
- We manage a rental property on your behalf;
- You contact us via our "enquiry" form on our website;
- You telephone or email us concerning the services we offer.
- You contact us through social media (e.g. Facebook, Twitter)
- If you are a solicitor, surveyor or other party to a sale or purchase your contact details may be provided to us by your client
- You provide your details to us as one of our service agents e.g. electrician, gas engineer, builder

## 4. THE KIND OF INFORMATION WE HOLD ABOUT YOU

The information we hold about you **may** include (depending on whether you are tenant, landlord, vendor, purchaser or applicant) the following:

- Your personal details (such as your name, contact details);
- Your bank details so that we can make payments to you if required;
- Your bank details so that we can manage an approved tenancy deposit account for you;
- Proof of funds for financing purchases
- Photographic identification where we are required to do so by law (such as a passport, driving license) and other forms of evidence of your current place of residence (such as a utility bill);
- Evidence that you are legally permitted to sell a property where you are not the legal owner (e.g. Power of Attorney, Grant of Probate);
- Details of any certification on the property if required;
- Details of contact we have had with you in relation to the provision, or the proposed provision, of our services;
- Details of any services you have received from us;
- Our correspondence and communications with you;
- Information about any complaints and enquiries you make to us.

## 5. HOW WE USE PERSONAL DATA WE HOLD ABOUT YOU

### Lawful bases for processing personal data

We may process your personal data for purposes necessary for the performance of our **contract** with you (such as to let or sell your property or if you are buyer or tenant to arrange a contract of sale or a lease for you) and to comply with our **legal obligations**.

We may process your personal data for the purposes necessary for the performance of our **contract with our clients**. This may include processing your personal data where you are acting for them.

We may process your personal data for the purposes of our own and your **legitimate interests** provided that those interests do not override any of your own interests, rights and freedoms which require the protection of personal data. This includes processing for services we believe will be beneficial to you (such as contractors undertaking repairs on rental property, undertaking surveys on a property), business development, statistical and management purposes.

We may process your personal data for certain additional purposes with your **consent**, and in these limited circumstances where your consent is required for the processing of your personal data then you have the right to withdraw your consent to processing for such specific purposes.



Please note that we may process your personal data for more than one lawful basis depending on the specific purpose for which we are using your data.

### **Situations in which we will use your personal data**

We may use your personal data in order to:

- Carry out our obligations arising from any agreements entered into between you or anyone acting for you and us (which will most usually be for the provision of our services);
- Carry out our obligations arising from any agreements entered into between you and us (which will most usually be for the provision of our services) where you may be acting for our client;
- Provide you with information related to our services and our events and activities that you request from us or which we feel may interest you, provided you have consented to be contacted for such purposes;
- Verify your identity when this is required;
- To meet our legal obligations;
- Seek your thoughts and opinions on the services we provide; and
- Notify you about any changes to our services.

In some circumstances we may anonymise or pseudonymise the personal data so that it can no longer be associated with you, in which case we may use it without further notice to you.

If you refuse to provide us with certain information when requested, we may not be able to perform the contract we have entered into with you. Alternatively, we may be unable to comply with our legal or regulatory obligations.

We may also process your personal data without your knowledge or consent, in accordance with this notice, where we are legally required or permitted to do so.

### **Data retention**

We will only retain your personal data for as long as is necessary to fulfil the purposes for which it is collected.

When assessing what retention period is appropriate for your personal data, we take into consideration:

- the requirements of our business and the services provided;
- any statutory or legal obligations;
- the purposes for which we originally collected the personal data;
- the lawful grounds on which we based our processing;
- the types of personal data we have collected;
- the amount and categories of your personal data; and

- whether the purpose of the processing could reasonably be fulfilled by other means.

We are required by legislation, other regulatory requirements and our insurers to retain your data where we have ceased to act for you. The period of retention required varies with the applicable legislation but is typically six years. We may retain your data for longer than this where we are legally obliged to do so or where we may need to keep it for longer in case of a legal action.

### **Change of purpose**

Where we need to use your personal data for another reason, other than for the purpose for which we collected it, we will only use your personal data where that reason is compatible with the original purpose.

Should it be necessary to use your personal data for a new purpose, we will notify you and communicate the legal basis which allows us to do so before starting any new processing.

## **6. DATA SHARING**

### **Why might you share my personal data with third parties?**

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

### **Which third-party service providers process my personal data?**

“Third parties” includes third-party service providers. The following activities are carried out by third-party service providers: IT and cloud services, professional advisory services, administration services, marketing services, banking services, pensions services, money laundering compliance.

All of our third-party service providers are required to take commercially reasonable and appropriate security measures to protect your personal data. We only permit our third-party service providers to process your personal data for specified purposes and in accordance with our instructions.

### **What about other third parties?**

We may share your personal data with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal data with a regulator or to otherwise comply with the law.

## **7. TRANSFERRING PERSONAL DATA OUTSIDE THE EUROPEAN ECONOMIC AREA (EEA)**

We will not transfer the personal data we collect about you outside of the EEA in order to perform our contract with you. However, we use a 3rd party provider for our software for managing our property portfolio and storing personal information mentioned above who retain this on their systems within the EEA.

However, should they transfer data outside of the EEA they have confirmed that they will only do so having obtained our consent or ensure that such measures as are necessary to ensure the transfer is in compliance with Applicable Data Protection Law. Such measures may include transferring the personal information to a recipient in a country that the European Commission has decided provides adequate protection for personal data, to a recipient that has achieved binding corporate rules authorisation in accordance with Applicable Data Protection Law, to a recipient in the United States that has certified its



compliance with the EU-US Privacy Shield, or to a recipient that has executed standard contractual clauses adopted or approved by the European Commission.

Should you require further information about these protective measure[s], please contact us using the contact details outlined below.

## **8. DATA SECURITY**

We have put in place commercially reasonable and appropriate security measures 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 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.

## **9. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

### **Your duty to inform us of changes**

It is important that the personal data we hold about you is accurate and current. Should your personal information change, please notify us of any changes of which we need to be made aware by contacting us, using the contact details below.

### **Your rights in connection with personal data**

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

- Request access to your personal data. This enables you to receive details of the personal data we hold about you and to check that we are processing it lawfully.
- Request correction of the personal data that we hold about you.
- 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 it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- Object to processing of your personal data 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 basis. 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 data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal data to you or another data controller if the processing is based on consent, carried out by automated means and this is technically feasible.

If you want to exercise any of the above rights, please email our data protection point of contact [info@dorankennedy.co.uk](mailto:info@dorankennedy.co.uk).

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 for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

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.

## **10. RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose (for example, in relation to direct marketing that you have indicated you would like to receive from us), you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please either unsubscribe or email our data protection point of contact at [info@dorankennedy.co.uk](mailto:info@dorankennedy.co.uk)

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

## **11. USE OF COOKIES ON OUR WEBSITE**

Cookies are small text files that are stored on your computer when you visit a website. They are mainly used as a way of making websites work, improve website functionality or to provide the owner of the website with more advanced statistical data.

We do not share personal data collected through the use of cookies with any other 3rd party.

### **Cookies which contain personal data**

We use methods to ensure that the information stored from forms that you complete on our website are encrypted. If you do complete a form on our website, then your IP address is also logged.

Our website contains password protected area(s) that require a user to login. This login system offers to remember the user email address if the relevant box is ticked. Ticking the box will create a cookie that will automatically expire after 1 year or if the box is un-ticked on a subsequent visit.

### **Cookies which do not contain personal data**

In order to improve the overall experience of visiting our website, we use a server-based log to collect anonymous information about our website visitors. This data is used to generate statistical charts and will not be used in any other way.

Our website uses Google Analytics which relies on cookies to generate more advanced visitor charts and data mining reports. Similarly to our server-based logs, Google Analytics collects anonymous information that will not be used to identify our website visitors.

### **Controlling use of cookies**



Your web browser (the software you use to access our website) should allow you to control the cookies that it stores on your computer. Please refer to the relevant supplier's website to find out more.

The Information Commissioners Office (ICO) have detailed information on how to change cookie settings which can be found here: <https://ico.org.uk/global/cookies/>

If you change how your web browser uses cookies you may not get the full user experience when using our website

## 12. CHANGES TO THIS NOTICE

Any changes we may make to our privacy notice in the future will be updated on our website at [www.dorankennedy.co.uk](http://www.dorankennedy.co.uk).

This privacy notice was last updated on 14<sup>th</sup> March 2019.

## 13. CONTACT US

If you have any questions regarding this notice or if you would like to speak to us about the manner in which we process your personal data, please email *Data Protection Lead* [info@dorankennedy.co.uk](mailto:info@dorankennedy.co.uk).

You also have the right to make a complaint to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues, at any time. The ICO's contact details are as follows:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone - 0303 123 1113 (local rate) or 01625 545 745

Website - <https://ico.org.uk/concerns>