

PRIVACY NOTICE

This is the privacy notice of Hamnett Hayward (Thame) Ltd. In this document, "we", "our", or "us" refer to Hamnett Hayward.

We are company number 4389310 registered in England and Wales.

Our registered office is at 42 Upper High Street, Thame, Oxfordshire, OX9 2DW.

This privacy notice was last updated on 25th May 2018.

INTRODUCTION

1. This is a notice to inform you of our policy about all information that we record about you. It sets out the conditions under which we may process any information that we collect from you, or that you provide to us. It covers information that could identify you ("personal information") and information that could not. In the context of the law and this notice, "process" means collect, store, transfer, use or otherwise act on information.
2. We regret that if there are one or more points below with which you are not happy, your only recourse is to leave our website immediately.
3. We take seriously the protection of your privacy and confidentiality. We understand that all visitors to our website are entitled to know that their personal data will not be used for any purpose unintended by them, and will not accidentally fall into the hands of a third party.
4. We undertake to preserve the confidentiality of all information you provide to us, and hope that you reciprocate.
5. Our policy complies with UK law accordingly implemented, including that required by the EU General Data Protection Regulation (GDPR).
6. The law requires us to tell you about your rights and our obligations to you in regards to the processing and control of your personal data. We do this now, by requesting that you read the information provided at www.knowyourprivacyrights.org.
7. Except as set out below, we do not share, or sell, or disclose to a third party, any information collected through our website.

INFORMATION WE COLLECT IF YOU ARE A PROSPECTIVE OR EXISTING CUSTOMER

We may collect personal information from you in connection with your use of our website, including such personal information as:

- your name, email address, telephone number and property address when you register as a Vendor, Landlord or Applicant or use an online form to arrange a viewing, register for properties, request a valuation or lettings consultation or submit an enquiry;
- some personal information is classified as "special" data under data protection legislation. This includes information relating to health. If you wish to rent or purchase a property we are listing where you have specifically provided us with these, we will collect personal information relating to any specific access requirements you may have in relation to a property so that we can find a property that is suitable for your needs;
- cookie data which relates to your use of our site;
- data sent from your browser to our server which may include:
 - the time, date and duration of your visit to our site;

- the site from which you have come (the referral URL);
- the pages visited on our site; and
- your IP address.

We may also request further personal information in connection with a service provided by us to include:

- your name, postal address, telephone number, e-mail address and details of your requirements where you instruct us to provide estate agency services on your behalf either in the office, at your property, by telephone or by email;
- your marital status, date of birth, nationality and tax status when you enter into a residential sales or lettings agreement with us;
- financial details including your bank account, tax URN number and income and expenditure details whenever we manage a financial transaction, or set up a standing order, or take payment for services provided;
- your date of birth, nationality and other details from identity documents which you provide to us where we are required by law to carry out know your client anti-money laundering checks, counter terrorist financing requirements and right to rent checks and the results of those checks;
- details of your mortgage arrangements, confirmation of how long you have owned the property and details of the source of monies invested in the property when you register to sell;
- evidence that you have sufficient funds to pay any deposit required when you wish to make an offer to buy a property;
- evidence of the source of funds you will be using to buy a property, including a copy of your bank statement or an agreement in principle from your mortgage provider;
- details of any mortgage or insurance, licenses, guarantees and service contracts you hold relating to a property you wish to let where you are a landlord and we are providing you with letting services;
- your marital status, employment details, national insurance number, nationality, residential status, bank details and credit history when carrying out referencing and credit checks and the results of those checks;
- details relating to your property including photographs, floor plans, energy performance certificates, property description and survey results when you engage us to market a property for you;
- photographs of your property when we market your property for sale or to let, prepare an inspection report on the condition of your property, or when we prepare an inventory to record the condition of your property at the start or end of a tenancy;
- your contact details, move in and move out date, utility meter serial number and meter readings where you are a landlord or tenant, prior to a tenant moving in to a property and when the tenant moves out;
- your move in and move out date and details of the deposit you have paid where you are a tenant registering or releasing any deposit from a deposit protection scheme;
- your client reference number and the balance of any debt which you owe if we are required to take steps to collect a debt or take possession of a property;
- references relating to you, or information required to prepare a reference for you where you are a tenant; and Information we process because we have a contractual obligation with you.

Other sources of information we collect:

- third parties including credit reference agencies, law enforcement/regulatory bodies, companies providing commercially available databases, social networks, introducer companies who have referred you to us, your employer, solicitor or trustees;

- online property portals such as “Rightmove” and "Onthemarket.com" and “Countrylife Online”;
- publicly available sources such as the electoral roll and HM Land Registry.

THE BASIS ON WHICH WE PROCESS AND DISCLOSE INFORMATION ABOUT YOU

The law requires us to determine under which we process different categories of your personal information, and to notify you of the basis for each category.

If a basis on which we process your personal information is no longer relevant then we shall immediately stop processing your data.

If the basis changes then if required by law we shall notify you of the change and of any new basis under which we have determined that we can continue to process your information.

1. Information we process with your consent:

Through certain actions when otherwise there is no contractual relationship between us, such as when you browse our website or ask us to provide you more information about our business, our products and services, you provide your consent to us to process information that may be personal information.

Wherever possible, we aim to obtain your explicit consent to process this information, for example, by asking you to agree to our use of cookies.

Sometimes you might give your consent implicitly, such as when you send us a message by e-mail to which you would reasonably expect us to reply.

Except where you have consented to our use of your information for a specific purpose, we do not use your information in any way that would identify you personally. We may aggregate it in a general way and use it to provide class information, for example to monitor the performance of a particular page on our website.

We continue to process your information on this basis until you withdraw your consent or it can be reasonably assumed that your consent no longer exists.

You may withdraw your consent at any time by instructing us by e-mail at tame@hamnetthayward.co.uk or letting@hamnetthayward.co.uk. However, if you do so, you may not be able to use our services further.

2. Information we process and disclose because we have a contractual obligation:

When you register as a Vendor, Landlord or Applicant by telephone, e-mail or on our website, agree to our terms and conditions, or otherwise apply to rent or buy a property through us, a contract is formed between you and us.

In order to carry out our obligations under that contract we must process the information you give us. Initially, some of this information may be personal information to include: your name, e-mail address, telephone number and postal address to arrange a viewing, register for property alerts, request a valuation for sales or lettings or submit an enquiry.

We may use it in order to:

- to provide you with the estate agency services including but not limited to:
- helping you to sell your property, or to find a property to buy;
- valuing your property; and
- letting services;

- to provide advice on financial services related to your property transaction, including mortgage, insurance and, protection products;
- to introduce you to and conveyancing services;
- to protect a tenant's deposit by registering it with a deposit protection scheme;
- to take payment from you for the services which we provide;
- to arrange and carry out viewings;
- to process the receipt and payment of rent, maintenance and tax for you if a property is being let;
- to arrange an energy performance certificate or home report inspection for you;
- to arrange a gas safety certificate (CP12);
- to arrange a legionella assessment;
- to arrange an inventory check or to prepare a report on the condition of a property if it is being let;
- to ensure that utilities are in place and that utility companies and local authorities are able to contact you for billing purposes when you move in to a property;
- to carry out tenant referencing and credit checks to assess if you are creditworthy before you move in to a property. To carry out such checks, your personal information may be shared with credit referencing companies;
- to keep client records up to date;
- to provide you with general updates in relation to the property market, in accordance with your preferences;
- to provide you with information which we reasonably believe may be relevant to you based on the services we are providing to you including information on mortgages, protection and insurance products and third party and conveyancing services;
- to carry out targeted advertising to you on social media websites such as Facebook and Twitter where you have already shown an interest in our services;
- to help answer any questions asked;

We process this information on the basis there is a contract between us, or that you have requested we use the information before we enter into a legal contract.

Additionally, we may aggregate this information in a general way and use it to provide class information, for example to monitor our performance with respect to a particular service we provide. If we use it for this purpose, you as an individual will not be personally identifiable.

The period for which we will keep your personal information will depend on the type of service you have requested from us. The retention period may be longer than the period for which we are providing services to you where we have statutory or regulatory obligations to retain personal information for a longer period, or where we may need to retain the information in case of a legal claim.

3. Information we process and disclose for the purposes of legitimate interests:

We may forward on your information to the third parties listed below for the following reasons:

- our approved contractors in order to carry out maintenance of the property or gas, electrical safety checks or legionella surveys, surveyors where you or your mortgage company require a homebuyers or structural survey, conveyancer, mortgage or insurance adviser;

- auction houses where the property you are buying or selling is being sold by auction;
- third parties we work with as part of providing our services and their associated companies and sub-contractors, including (but not limited to) inventory clerks, photographers, utility companies, energy performance certificate companies;
- referencing companies to check your ability to rent and to help prevent fraud and money laundering;
- debt collection companies to assist us in collecting any monies which you owe to us where payment is overdue;
- our professional advisers, for the purpose of assisting us to better manage, support or develop our business and comply with our legal and regulatory obligations;
- third parties as necessary in the event of a claim or dispute relating to the use of our services.
- to transfer information to any entity which may acquire rights in us;
- to collect a debt which is owed to us; and
- for onward referencing where you are a tenant.

If we are providing you with letting services we may share your personal information with:

- the landlord, tenant or their guarantor to comply with our legal obligations;
- “Utilitel” - I am moving” at the commencement and termination of a tenancy. The landlord and tenant’s details are shared for billing purposes to assist in the transfers of the utility supplies at the beginning of a tenancy and during any void periods.
- The Tenancy Deposit Scheme for the purpose of providing a tenancy deposit protection scheme;
- The Property Ombudsman scheme where they are providing an alternative dispute resolution service in connection with the letting services which we are providing.

These parties are located in the UK or elsewhere in the world where different privacy laws may apply which may not offer the same level of protection as UK law. We only make these arrangements or transfers where we are satisfied that adequate levels of protection are in place to protect any information held in that country and that the service provider acts at all times in compliance with applicable privacy laws.

4. Information we process and disclose because we have a legal obligation:

We are subject to the law like everyone else. Sometimes, we must process your information in order to comply with a statutory obligation. This may include your personal information.

Wherever we collect or use your personal information, it will be for a valid legal reason to include the following:

- to fulfil the terms of our contract with you;
- to meet responsibilities we have to our regulators, tax officials, law enforcement, and/or other regulatory entities in order to comply with any legal obligation or court order including the police, HMRC and local authorities
- to investigate or address claims or complaints relating to our services;
- for internal and external auditing purposes;
- to carry out anti-money laundering checks;
- to carry out right to rent checks;

- where we have obtained a clear consent from you.

If you require clarification about the legal reasons or legitimate interests that apply to a particular way in which we use personal information please contact us.

SPECIFIC USES OF OTHER INFORMATION YOU PROVIDE TO US

1. Information provided on the understanding that it will be shared with a third party

Our Facebook and Twitter pages allow you to post information with a view to that information being read, copied, downloaded, or used by other people.

Examples include:

- posting a message
- tagging an image
- clicking on an icon next to another visitor's message to convey your agreement, disagreement or thanks.

In posting personal information, it is up to you to satisfy yourself about the privacy level of every person who might use it.

We do not specifically use this information except to allow it to be displayed or shared.

Once your information enters the public domain, we have no control over what any individual third party may do with it. We accept no responsibility for their actions at any time.

Provided your request is reasonable and there is no legal basis for us to retain it, then at our discretion we may agree to your request to delete personal information that you have posted. You can make a request by contacting us at thame@hamnetthayward.co.uk or letting@hamnetthayward.co.uk.

2. Job application and employment

If you send us information in connection with a job application, we may keep it for up to three years in case we decide to contact you at a later date.

If we employ you, we collect information about you and your work from time to time throughout the period of your employment. This 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.

3. Complaining

When we receive a complaint, we record all the information you have given to us.

We use that information to resolve your complaint.

If your complaint reasonably requires us to contact some other person, we may decide to give to that other person some of the information contained in your complaint. We do this as infrequently as possible, but it is a matter for our sole discretion as to whether we do give information, and if we do, what that information is.

We may also compile statistics showing information obtained from this source to assess the level of service we provide, but not in a way that could identify you or any other person.

4. Affiliate and business partner information

This is information given to us by you in your capacity as an affiliate of us or as a business partner.

It allows us to recognise visitors that you have referred to us, and to credit to you commission due for such referrals. It also includes information that allows us to transfer commission to you.

The information is not used for any other purpose.

We undertake to preserve the confidentiality of the information and of the terms of our relationship.

We expect any affiliate or partner to agree to reciprocate this policy.

USE OF INFORMATION WE COLLECT THROUGH AUTOMATED SYSTEMS WHEN YOU VISIT OUR WEBSITE

1. Cookies

Cookies are small text files that are placed on your computer's hard drive by your web browser when you visit any website. They allow information gathered on one web page to be stored until it is needed for use on another, allowing a website to provide you with a personalised experience and the website owner with statistics about how you use the website so that it can be improved.

Some cookies may last for a defined period of time, such as one day or until you close your browser. Others last indefinitely.

Your web browser should allow you to delete any you choose. It also should allow you to prevent or limit their use.

Our website uses cookies. They are placed by software that operates on our servers, and by software operated by third parties whose services we use.

When you first visit our website, we ask you whether you wish us to use cookies. If you choose not to accept them, we shall not use them for your visit except to record that you have not consented to their use for any other purpose.

If you choose not to use cookies or you prevent their use through your browser settings, you will not be able to use all the functionality of our website.

We use cookies in the following ways:

1. to track how you use our website
2. to record whether you have seen specific messages we display on our website

2. Personal Identifiers from your browsing activity

Requests by your web browser to our servers for web pages and other content on our website are recorded.

We record information such as your geographical location, your Internet service provider and your IP address. We also record information about the software you are using to browse our website, such as the type of computer or device and the screen resolution.

We use this information in aggregate to assess the popularity of the webpages on our website and how we perform in providing content to you.

If combined with other information we know about you from previous visits, the data possibly could be used to identify you personally, even if you are not signed in to our website.

YOUR RIGHTS

Subject to certain exemptions, and in some cases dependent upon the processing activity we are undertaking, you have certain rights in relation to your personal information.

When we receive any request to access, edit or delete personal identifiable information we shall first take reasonable steps to verify your identity before granting you access or otherwise taking any action. This is important to safeguard your information.

If you wish to access any of the following rights, we may ask you for additional information to confirm your identity and for security purposes, in particular before disclosing personal information to you. We reserve the right to charge a fee where permitted by law, for instance if your request is manifestly unfounded or excessive.

You can exercise your rights by e-mailing us directly at thame@hamnetthayward.co.uk or letting@hamnetthayward.co.uk. Subject to legal and other permissible considerations, we will make every reasonable effort to honour your request promptly or inform you if we require further information in order to fulfil your request.

We may not always be able to fully address your request, for example if it would impact the duty of confidentiality we owe to others, or if we are legally entitled to deal with the request in a different way. Your rights are as follows:

1. Access to your personal information

You have a right to request that we provide you with a copy of your personal information that we hold and you have the right to be informed of; (a) the source of your personal information; (b) the purposes, legal basis and methods of processing; (c) the data controller's identity; and (d) the entities or categories of entities to whom your personal information may be transferred.

2. Removal of or Rectify your information

You have a right to request that we rectify inaccurate personal information. We may seek to verify the accuracy of the personal information before rectifying it.

You can also request that we erase your personal information in the following limited circumstances:

- where it is no longer needed for the purposes for which it was collected; or
- where you have withdrawn your consent (where the data processing was based on consent); or
- following a successful right to object; or
- where it has been processed unlawfully; or
- to comply with a legal obligation to which we are subject.

We are not required to comply with your request to erase personal information if the processing of your personal information is necessary:

- for compliance with a legal obligation; or
- for the establishment, exercise or defence of legal claims.

3. Right to restrict the processing of your personal information

You can ask us to restrict the processing of your personal information, but only where:

- its accuracy is contested, to allow us to verify its accuracy; or
- the processing is unlawful, but you do not want it erased; or

- it is no longer needed for the purposes for which it was collected, but you still need it to establish, exercise or defend legal claims; or
- you have exercised the right to object, and verification of overriding grounds is pending.

We can continue to use your personal information following a request for restriction:

- where we have your consent; or
- to establish, exercise or defend legal claims; or
- to protect the rights of another natural or legal person.

4. Right to transfer your personal information

You can ask us to provide your personal information to you in a structured, commonly used, machine readable format, or you can ask to have it transferred directly to another data controller, but in each case only where:

- the processing is based on your consent or on the performance of a contract with you; and
- the processing is carried out by automated means.

5. Right to object to the processing of your personal information

You can object to any processing of your personal information which has our legitimate interests as its legal basis, if you believe your fundamental rights and freedoms outweigh our legitimate interests.

If you raise an objection, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights and freedoms.

6. Right to object to how we use your personal information for direct marketing purposes

You can request that we change the manner in which we contact you for marketing purposes. You can request that we do not transfer your personal information to unaffiliated third parties for the purposes of direct marketing or any other purposes.

7. Right to obtain a copy of personal information safeguards used for transfers outside your jurisdiction

You can ask to obtain a copy of, or reference to, the safeguards under which your personal information is transferred outside of the European Union.

We may redact data transfer agreements to protect commercial terms.

8. Right to lodge a complaint with your local supervisory authority

You have a right to lodge a complaint with your local supervisory authority if you have concerns about how we are processing your personal information.

We ask that you please attempt to resolve any issues with us first, although you have a right to contact your supervisory authority at any time.

OTHER MATTERS

1. Security

The security of information is very important to us and we use security measures in an effort to protect the information provided by you from access by unauthorised persons and against unlawful processing, accidental loss, destruction or damage.

Our client files are stored on our secure client management systems. Access is restricted on our client systems to those within the business who are required to have access to your information for legitimate business purposes. All computers and phones are encrypted and password protected. Hard copy documentation is stored in locked cabinets and our office is alarmed.

We ensure that access to personal information is restricted to Hamnett Hayward employees or workers on a need to know basis. Training is given to Hamnett Hayward employees and workers who need access to personal information and strict guidelines are in place to ensure your security.

We also expect you to take reasonable precautions to safeguard your own privacy when transferring information to us in not forwarding confidential information over unprotected e-mail, ensuring that e-mail attachments are password protected or encrypted and only using secure postal methods when sending original documentation to us.

2. How you can complain:

- 2.1. If you are not happy with our privacy policy or if have any complaint then you should tell us by email. Our address is thame@hamnetthayward.co.uk.
- 2.2. If a dispute is not settled then we hope you will agree to attempt to resolve it by engaging in good faith with us in a process of mediation or arbitration.
- 2.3. If you are in any way dissatisfied about how we process your personal information, you have a right to lodge a complaint with the Information Commissioner's Office. This can be done at.

3. Retention period for personal data

Except as otherwise mentioned in this privacy notice, we keep your personal information only for as long as required by us:

- 3.1. to provide you with the services you have requested;
- 3.2. to comply with other law, including for the period demanded by our tax authorities;
- 3.3. to support a claim or defence in court.

We will then take reasonable steps to destroy or de-identify personal information we hold if no longer required for the purposes set out above. We will only hold your personal information on our systems for as long as is necessary for the relevant purpose for which it was collected.

4. Compliance with the law

Our privacy policy has been compiled so as to comply with the law of every country or legal jurisdiction in which we aim to do business. If you think it fails to satisfy the law of your jurisdiction, we should like to hear from you.

However, ultimately it is your choice as to whether you wish to use our website.

5. Review of this privacy policy

We may update this privacy notice from time to time as necessary. The terms that apply to you are those posted here on our website on the day you use our website. We advise you to print a copy for your records.

If you have any question regarding our privacy policy, please contact us.