



BURNS HAMILTON

PRIVACY POLICY

At Burns Hamilton we are committed to ensuring that all data we hold and process is secure. This Privacy Policy, together with our Terms and Conditions of business and any other policy, agreement or contract that we have with you, outlines the data we hold and what we do with it.

Burns Property Management and Lettings Limited, T/A Burns Hamilton are registered in England & Wales under the company number 03033328 and whose registered office is Hawthorn House, 1 Lowther Gardens, Bournemouth, Dorset, BH8 8NF.

Burns Property Management and Lettings Limited T/A Burns Hamilton are registered with the Information Commissioner's Office (ICO) under registration number Z661023X.

In this policy, Burns Hamilton referred to as "BH", "us" and "we" is the "Data Controller" in respect of any information collected, collated, gained or produced by us.

OUR CONTACT DETAILS

Should you wish to contact our offices in relation to your data or any data we process on your behalf, please use the below details to either write to us or call us:

Burns Hamilton
The Compliance Officer
Hawthorn House
1 Lowther Gardens
Bournemouth
Dorset
BH8 8NF

Tel: 01202 391 663

Email: compliance@burnshamilton.co.uk

INFORMATION WE HOLD

As part of our business activities we are required to store and process information for existing, former and potential clients, landlords, tenants, freeholders, leaseholders, buyers, vendors, staff, suppliers, contractors, business associates and any other persons or businesses associated with us. The information we hold varies depending on your relationship with the business.

Leaseholders, Freehold Homeowners & Clients

| CATEGORY OF DATA | PURPOSE FOR RETAINING DATA | LEGAL BASIS FOR PROCESSING | THIRD PARTIES WITH WHOM DATA MAY BE SHARED |
|--|---|---|---|
| Contact Details | To carry out our contractual obligations and to communicate with you in relation to the services we provide | Article 6(1)(b) – Contractual obligation In order to carry out our obligations as per our client contract and our legitimate business interests | Our Client/Client Company, Contractors, insurance companies and/or Loss Adjusters in the event of a claim. Debt Collection Firm in the event of any arrears owing to us or our client. Third party software suppliers, Property Freeholder, any parties as required during the process of sale of the relevant property including banks and solicitors. |
| Financial Details | To carry out our contractual obligations and provide remuneration where appropriate and agreed by our client | Article 6(1)(b) – Contractual obligation. In order to carry out our obligations as per our client contract and our legitimate business interests | Our Client/Client Company, Accountant, Banking provider, Debt Collection Company, third party software supplier. |
| Emergency Key Holder Contact | To carry out our contractual obligations and for access/ contact/ notification in the event of any need arising | Article 6(1)(b) – Contractual obligation. In order to carry out our obligations as per our client contract and per any insurance requirements | Insurer and/or Loss Adjuster in the event of a claim. Third party software suppliers. |
| Identity Details including Date of Birth (for Directors of client companies) | To supply statutory information to Companies House and to meet Anti-money laundering obligations | Article 6(1)(c) – Legal obligation. In order to carry out our obligations in order to confirm suitability to stand as a Director. | Companies House, Third party software supplier. |
| Identification Documents | To ensure the identity of an individual | Article 6(1)(b) – Contractual obligation. In order to carry out our contractual obligations and our obligations under the GDPR | Third party software suppliers |

Landlords, Buyers & Vendors

| CATEGORY OF DATA | PURPOSE FOR PROCESSING | LEGAL BASIS FOR PROCESSING | THIRD PARTIES WITH WHOM DATA MAY BE SHARED |
|--|---|---|--|
| Contact Details | To carry out our contractual obligations and to communicate to you in relation to the services we provide | Article 6(1)(b) – Contractual obligation In order to carry out our obligations as per our client contract and our legitimate business interests | Contractors, insurance companies and/or Loss Adjusters in the event of a claim. Third party software suppliers, Property Freeholder. Any parties as required during the process of sale of the relevant property including banks, mortgage providers and solicitors. |
| Identity details including Date of Birth | To ensure your legal right to the property. | Article 6(1)(c) – Legal obligation In order to comply with all legal requirements to identify and prevent Fraud and Money Laundering | Council, HMRC, Solicitors, Insurers, The National Crime Agency (NCA), Third Party Software supplier. |
| Identification documents | To ensure the identity of an individual | Article 6(1)(b) – Contractual obligation. In order to carry out our contractual obligations and our obligations under the GDPR | HMRC, Solicitors, Insurers, The National Crime Agency (NCA), Third Party Software supplier. |
| Proof of address | To confirm your legal right to the property. | Article 6(1)(c) – Legal obligation In order to comply with all legal requirements to identify and prevent Fraud and Money Laundering | HMRC, Solicitors, Insurers, The National Crime Agency (NCA), Third Party Software supplier. |
| Financial Details | To carry out our contractual obligations | Article 6(1)(b) – Contractual obligation. In order to carry out our obligations as per our client contract and our legitimate business interests | Accountant, Banking provider, third party software supplier. |

Tenants (Renters who do not own the freehold or leasehold property)

| CATEGORY OF DATA | PURPOSE FOR PROCESSING | LEGAL BASIS FOR PROCESSING | THIRD PARTIES WITH WHOM DATA MAY BE SHARED |
|--|---|---|--|
| Contact Details | To carry out our contractual obligations and to communicate to you in relation to the services we provide | Article 6(1)(b) – Contractual obligation In order to carry out our obligations as per our client contract and our legitimate business interests | Landlord, Contractors, Council, Credit Check Companies, HMRC, Solicitors, Insurers, Third Party Software supplier. |
| Financial Details | To carry out our contractual obligations and to communicate to you in relation to the services we provide | Article 6(1)(b) – Contractual obligation In order to carry out our obligations as per our client contract and our legitimate business interests In order to protect our client’s legal rights | Accountant, Banking provider, third party software supplier. |
| Identity Details including Date of Birth | To carry out our contractual and legal obligations. To perform checks for anti-money laundering | Article 6(1)(b) – Contractual obligation In order to carry out our obligations as per our client contract and our legitimate business interests | Landlord, Council, Credit Check Companies, HMRC, Solicitors, Insurers, The National Crime Agency (NCA), Third Party Software supplier. |
| Identity Documents | To carry out our contractual and legal obligations. To perform checks for anti-money laundering | Article 6(1)(b) – Contractual obligation In order to carry out our obligations as per our client contract and our legitimate business interests | Landlord, Credit Check Companies, HMRC, Solicitors, Insurers, The National Crime Agency (NCA), Third Party Software supplier. |

Suppliers & Contractors – None of the details below refer to personal data, unless the contractor or supplier in question is a sole trader or an unincorporated partnership.

| CATEGORY OF DATA | PURPOSE FOR PROCESSING | LAWFUL BASIS FOR PROCESSING | THIRD PARTIES WITH WHOM THE DATA MAY BE SHARED |
|-------------------------|--|--|--|
| Contact Details | To carry out our contractual obligations and to issue instructions on behalf of our client | Article 6(1)(b) – Contractual obligation In order to carry out our obligations as per our client contract and our legitimate business interests | Leaseholders, Freeholders, Tenants, Clients, Contractors, Suppliers, Third Party software services and anyone else who may ask for information |
| Insurance Details | To carry out our contractual obligations and to issue instructions on behalf of our client | Article 6(1)(b) – Contractual obligation In order to carry out our obligations as per our client contract and our legitimate business interests | Client (on request only), Insurers and/or Insurance Broker or loss adjuster in the event of a claim. Third Party software suppliers |
| Tax Details | To carry out our contractual obligations and to issue instructions on behalf of our client | Article 6(1)(c) – Legal obligation to comply with HMRC | Accountants, Third Party software suppliers. |
| Financial Details | Payment of invoices for works ordered on behalf of our client | Article 6(1)(c) – Legal obligation to pay for services supplied | Accountants, Third Party software suppliers. |

Staff Members & Applicants – Relating to all Part-time, Full-time, Permanent, Temporary, Current and Previous staff and unsuccessful applicants.

| CATEGORY OF DATA | PURPOSE FOR PROCESSING | LAWFUL BASIS FOR PROCESSING | THIRD PARTIES WITH WHOM THE DATA MAY BE SHARED |
|---|--|--|---|
| Contact Details | To fulfil our legal requirements as an employer | Article 6(1)(c) – Legal Obligation To comply with employment legislation | HMRC, HR Consultants, Company Directors, Internal HR/ Operations Team, Accountants, Third Party Software Suppliers |
| Financial Details | To enable us to complete Payroll | Article 6(1)(c) – Legal Obligation To comply with employment legislation | HMRC, Banking Software, Internal HR/ Operations Team, Company Directors, Third Party Software Suppliers |
| Tax Details | To fulfil our legal requirements as an employer | Article 6(1)(c) – Legal Obligation To comply with employment legislation | HMRC, Banking Software |
| Conviction Details | To check for any unspent convictions or cautions that affect job suitability | Article 6(1)(f) – Legitimate interests To ensure that any candidate/employee is suitable for the job they have applied for. | HR Consultants, Third Party Disclosure and Barring Service (DBS), Company Directors, Internal HR/ Operations Team, Third Party Software supplier. |
| Identity Details | To confirm right to live and work in the UK | Article 6(1)(c) – Legal Obligation To comply with employment legislation | HR Consultants, Company Directors, Internal HR/ Operations Team, Third Party Software Suppliers |
| Identity Documents | To confirm right to live and work in the UK | Article 6(1)(c) – Legal Obligation To comply with employment legislation | HR Consultants, Company Directors, Internal HR/ Operations Team, Third Party Software Suppliers |
| Next of Kin Details | To have a point of contact in the event of an emergency | Article 6(1)(a) – Consent With the Data Subjects consent to be used in the event of an emergency | Company Directors, Internal HR/ Operations Team, Third Party Software Suppliers |
| Medical Information including details of any disabilities | To ensure we have all relevant information in the event of a medical emergency | Article 6(1)(a) – Consent With the Data Subjects consent to be used in the event of an emergency | Company Directors, Internal HR/ Operations Team, Third Party Software Suppliers |

| | | | |
|--------------------------------|--|--|--|
| Employment History | For the purpose of confirming references (both professional and character) | Article 6(1)(f) – Legitimate interests To ensure that any candidate/employee is suitable for the job they have applied for. | Company Directors, Internal HR/ Operations Team, Third Party Software Suppliers |
| Driving Convictions & Offences | To ensure that you are safe to drive whilst on company business or in company vehicles as appropriate to your job role | Article 6(1)(f) – Legitimate interests To ensure that any candidate/employee is suitable for the job they have applied for. | Insurer, Insurance Broker, Company Directors, Internal HR/ Operations Team, Third Party Software suppliers |

HOW WE COLLECT DATA

Contract

When we sign a new contract or agreement with a client, all information relating to their property and/or company are requested to be handed over. For us to fulfil our contractual obligations such as billing Service Charges or Rent, we require the details of the individual responsible for paying this bill. This information will be supplied to us by our Client their legal representatives or our Client's previous agent.

Forms/Documentation

Property Management

At the start of our contract with our client, we will write to each Leaseholder or Freehold homeowner to introduce ourselves and to provide an opportunity for everyone to supply new or updated contact information about them or the property they own.

Sales & Lettings

Prior to the commencement of any instruction we will ask you to complete and sign either a contract, agreement or Tenancy Agreement. If you are intending to rent a property, you will be required to fill out forms detailing your identity details, contact details, occupation details and previous address details for a referencing check to be completed.

If you approach us in respect of buying, selling, renting or letting we will ask you for identity documents in order to meet money laundering and counter terrorism financing requirements.

If you are intending to sell or let a property, we may request documentation from you as to your ability to sell or let the property such as a Power of Attorney, Guardianship Order or Grant of Probate.

If we are to deal with an entity such as a company, trust or charity, we may need to obtain personal data about the beneficiaries of the entity and those in a position of control. This will include, but is not limited to, identity and address documents. We may also need to collect information on other individuals who have an interest in the property who are not considered to be our customers.

Websites

Information is collected via our contact forms on our websites. The information submitted by the data subject will be transmitted to us via email from our contact form.

We may also collect data via cookies on our website. These are used to make the website work or work more efficiently and can also be used to track what you are looking at on our webpages.

To find out more, please read our Cookie Policy.

Phone Calls

All calls made to and from our business are recorded. We use these internally for training purposes to improve our staff and as examples in their performance reviews.

If a caller is threatening or rude, these calls could be disclosed to our client, solicitors or law enforcement agencies.

Emails

Any email sent or received by us is stored securely on our servers. Burns Hamilton are committed to reducing waste and recycling where possible. As such, we will ask everyone that we deal with to consent to communication via email rather than by post.

In Person

Burns Hamilton prefer not to take data in person as this can be incorrectly recorded. Instead, we ask that you write to us if you wish to update any important personal information to ensure we have a record of the request and the details are correctly supplied by you. If data is passed in person, we will ensure that it is recorded securely and is as accurate as possible.

Third Parties

Sometimes the information we have for you may come via a third party. If you have contacted us about buying or renting a property, this information may come via Rightmove or OnTheMarket for example. If you are a Leaseholder and your Freeholder or Residents Management Company has instructed us, they or their previous agents will supply us with your details.

If you are an applicant for a position within the company, we may receive information about you from a recruitment agent.

If you are a new purchaser of a property within a block or estate that we already manage, your details will come to us via your solicitor as part of the purchasing process.

Please be aware that any failure to supply correct contact information may result in us or our client being unable to contact you with important information regarding your property or tenancy. This may, in turn, lead to us being unable to collect any payments due from you such as your Service Charge, Rent or any other fees due under your Lease, Title Document or Tenancy Agreement. Failure to make a payment under your Lease, Title Document or Tenancy Agreement could result in legal action. In any circumstance of late or non-payment of amounts due, any information we hold about you may well be shared with solicitors or debt collection agencies to facilitate collection.

HOW WE USE PERSONAL DATA

We will hold, use and may disclose your data for our legitimate business interests, including, but not limited to:

- to communicate with you in respect of the property you own or rent;
- to keep you up to date with any changes to our service;
- to carry out our contractual obligations arising from any contacts between us and our client;
- to answer any queries you may raise;
- to verify your identity;
- to facilitate a viewing, open house or valuation;
- and, any other reason as required as part of our legitimate business interests or as a legal requirement.

DATA SECURITY

Burns Hamilton recognises the importance of keeping personal data secure. We are committed to ensuring that we take appropriate technical and organisational measures to safeguard the personal data that we process electronically and physically. Access to personal data is limited to those required to access it as part of their responsibilities and all parties to whom data is disclosed are subject to a duty of confidentiality.

Electronic Data is stored in our password protected software and on our secure servers where it is protected against loss, accidental destruction, misuse or disclosure. Physical documents which are sent to us such as forms or letters are scanned and securely stored electronically, and the original is shredded and securely disposed of. Physical documents, where we are required by law, regulation or our own policies to keep the original copy are stored in locked cabinets in our offices. Hard copies of information that we are required to keep are periodically sent to a secure archive.

DATA RETENTION

The period for which we will retain your data will depend on the type of service you have requested from us. We will hold your details whilst you are using our services, or we provide services which are connected to you, or whilst you are in communication with us and up to seven years after our last meaningful contact. Where we have a statutory or regulatory obligation to retain personal information for a longer period, or in the event of a current or potential legal claim, we may hold data past our last contact or contract with you. If you would like to know more about this or have a specific question about the retention of certain information, you can contact us directly.

YOUR RIGHTS

You have certain rights in relation to your personal data that we hold. Details of these rights and how they can be exercised are set out for you below.

Right of Access – You have the right, at any time, to request a copy of the personal data we hold about you, this is called a Subject Access Request (SAR). You do not need to give any reason for making this request and it can be verbally or in writing to no particular person and your request does not have to quote or be labelled as a SAR. Once a request is made, we will acknowledge it and process it within one month of your request. Should we not be able to meet this timescale for any reason, we will write to you to notify you and explain why.

Should we be in any doubt, we are permitted to request proof of identity from you before any response is given. The one-month response time will not start until we are certain of the identity of the person making the request.

The GDPR allows us to refuse a request or charge a fee for complying with the request should we feel that it is manifestly unfounded or excessive

Right to Rectification – Should the information we hold about you be incorrect, out of date or incomplete, you have the right, at any time, to correct such errors or omissions. You can contact us via email at admin@burnshamilton.co.uk to correct or supply any information.

Right to Erasure – In certain circumstances you have the right to request that we delete any information we hold about you. For example, if the information was collected for a specific purpose and it is no longer required for this purpose, if we were processing the data on the basis of consent and this consent is withdrawn and there are no other legal reasons for which we may retain the information.

Right to Restriction – In certain situations you have the right to restrict the processing of your personal data. For example, some situations where this may apply is if your data is being used for direct marketing purposes, or if your data is being processed on the basis of legitimate interests and you object to this, the restriction will remain in place until such time as it is established whether our legitimate interests override those of the individual.

Data Portability – There are some circumstances where you have the right to ask that any data we hold about you is supplied in a structured, commonly used and machine-readable format, i.e. a commonly used electronic format.

Right to Objection – You have the right to object to us processing your personal data in certain situations. For example if we are processing your information on the basis of legitimate interests and you object, we should cease the processing unless we have compelling legitimate grounds for processing which override your interests, rights and freedoms, or if we are processing your personal data in relation to establishing, exercising or defending legal claims.

Where any personal data has been made available to a Third Party, we will take reasonable steps to inform that party of your wish to exercise your rights (bearing in mind cost and available technology).

OVERSEAS TRANSFERS

Burns Hamilton do not currently share, transfer or store any data outside of the European Economic Area (EEA), however should we decide to do so, or should it become necessary, where those countries do not offer an equivalent level of protection for personal data according to UK Legislation, we will insure that one of the following safeguards are in place:

- We will transfer it to a non-EEA country with privacy laws that allow the same protection as the EEA
- Enter into a contract with the Third-Party recipient that protects the data to the same standard as required within the EEA
- Transfer the data to an organisation that is already part of Privacy Shield, a framework which sets privacy standards for data sent between the EEA and the US.

COMPLAINTS

Should you have any complaints about the way we use any of your personal information please contact our compliance officer who will address and resolve your issue:

The Compliance Officer
Burns Hamilton
Hawthorn House
1 Lowther Gardens
Bournemouth
Dorset
BH8 8NF
Telephone: 01202 391 663
Email: compliance@burnshamilton.co.uk

If for any reason we are unable to resolve your issue to your satisfaction you have the right to complain to the Information Commissioner's Office (ICO) and to apply to the Courts for a judicial remedy. In order to make a complaint to the ICO, you need to contact:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Email: casework@ico.org.uk

CHANGES TO THIS PRIVACY POLICY

We may revise or supplement our Privacy Policy from time to time to reflect for example, any changes in our business, law, markets, or the introduction of any new technology. We will publish the updated Data Protection Notice on our website at: www.burnsestates.co.uk and www.burnspropertymanagement.com.