

PRIVACY NOTICE (Consumers)

The Data Controller connected with the processing of your personal data is Breckon & Breckon. This is a group of companies operating under this brand name. These companies are:

- Breckon & Breckon Ltd
- Breckon & Breckon (Asset Management & Consultancy) Ltd
- Breckon & Breckon (Letting & Management) Ltd
- Breckon & Breckon (Summertown) Ltd
- May First Homes Ltd

The term Breckon & Breckon may refer to any or all of the companies listed in this group. These companies will act as joint controllers for the personal data you provide to them. The contact details for the Data Manager for these joint controllers are:

Keith Stacey

Email - privacy@breckon.co.uk

Telephone - 01865 310300

1 Valuations (Prospective Vendors (Sellers) or Landlords)

1.1 Data Purpose

In this instance your data is being processed for the specific purpose of arranging an evaluation of a property, which you are seeking to let or to sell.

1.2 Lawful Basis

The collection of your data for this purpose is under the **Lawful Basis** of Contract, because we require this information in order to conduct the evaluation of the property and there is a reasonable expectation that the evaluation will lead to a contractual relationship.

1.3 Information Collected

The personal data we may collect and process about you in connection with this purpose is:

1.1.1. Name

1.1.2. Address (both for the property to be let / sold and for correspondence if they are different)

1.1.3. Telephone number(s)

1.1.4. Email Address

In addition, we may also request information regarding:

1.1.5. Reason for rental / sale

1.1.6. If the property is let, we may require details of your tenants in order to arrange access to the property.

1.1.7. Or if you are acting on behalf of another party, under power of attorney, as a trustee or an executor we may require details regarding this.

1.4 Retention

Under the **Lawful Basis** referenced in paragraph 1.2 we will retain your data for 10 years. This is because we often find having evaluated a property, our prospective client's plans are either not immediate or change. However, when they do come back to us asking for an update and in order to provide them with the service they expect, it is helpful to have retained information about them and the property.

2 Vendors (Sellers)

2.1 Data Purpose

In this instance your data is being processed for the specific purpose of selling your property.

2.2 Lawful Basis

The collection of your data for this purpose is under the **Lawful Basis** of Contract, because we require this information in order to manage the contract to sell the property.

2.3 Information Collected

In addition to the information already collected from the data subject under paragraph 1.3 the additional personal data we will collect and process about you in connection with this purpose is:

2.1.1. Proof of ID

2.1.2. Proof of Address / ownership

2.1.3. Company details (if the property is owned by a company)

2.1.4. Forwarding address

In addition, we may also request data regarding:

2.1.5. Solicitors details

2.4 Retention

Under the **Lawful Basis** referenced in paragraph 2.2 your data will be retained to the end of the financial year in which your property sale is completed and for a further 6 years thereafter in accordance with HMRC requirements for financial record keeping. Some details regarding the property will be retained indefinitely for historical record keeping purposes, to aid any future evaluation of the property, past sales activity and property values.

3 Landlords

3.1 Data Purpose

In this instance your data is being processed for the specific purpose of letting and managing your property.

3.2 Lawful Basis

The collection of your data for this purpose is under the **Lawful Basis** of Contract, because we require this information in order to manage the contract with you and any tenants to let and manage your property.

3.3 Information Collected

In addition to the information already collected from the data subject under paragraph 1.3 the additional personal data we may collect and process about you in connection with this purpose is:

- 3.1.1. Proof of ID (Passport/Driver's License)
- 3.1.2. Proof of address / ownership
- 3.1.3. Land Registry documentation connected with your ownership of the property
- 3.1.4. Copy of the lease if a leasehold property
- 3.1.5. Bank Details (in order to pay you rent)
- 3.1.6. Insurance Policy details connected with the property
- 3.1.7. Details regarding any tenants currently occupying the property
- 3.1.8. Proof of Mortgage Approval to Rent
- 3.1.9. Overseas Landlords – Proof of HMRC Approval

3.4 Retention

Under the **Lawful Basis** referenced in paragraph 3.2 your data will be retained to the end of the financial year in which your property ceases to be let or managed by Breckon & Breckon and for a further 6 years thereafter in accordance with HMRC requirements for financial record keeping. Thereafter some details of the property will be retained indefinitely for historical record keeping purposes, to aid any future evaluation of the property, past rental activity and rental values.

4 Initial Enquiry (Potential Buyers or Tenants)

4.1 Data Purpose

In this instance your data is being processed for the specific purpose of providing you with information about properties you may wish to consider renting or buying and / or arranging a viewing of a property.

4.2 Lawful Basis

The collection of your data for this purpose is under the **Lawful Basis** of Legitimate Interests. We have conducted a Legitimate Interests Assessment and concluded that without processing this information it would not be possible to meet the Data Subject's expectations of our services, because we would be unable to communicate with them. We have balanced this requirement with any risks to the Data Subjects rights and freedoms and concluded any risk is low and outweighed by the benefit to the Data Subject.

4.3 Information Collected

The personal data we may collect and process about you in connection with this purpose is:

- 4.1.1. Name
- 4.1.2. Address
- 4.1.3. Telephone number(s)
- 4.1.4. Email Address

In addition, we may collect other data regarding:

- 4.1.5. Your property preferences.
- 4.1.6. Current housing situation (rented, sale agreed)

4.1.7. Financial situation (mortgage agreed, asset release, cash buyer etc)

4.4 Retention

Under the **Lawful Basis** referenced in paragraph 4.2, and on the advice of our insurers, your data will be retained for a period of 15 years in order that we may administer or defend any legal claim you might bring against the Company. This retention period will commence from the date of any final communication you have with us.

5 Prospective Buyers

5.1 Data Purpose

In this instance your data is being processed for the specific purpose of purchasing a property through Breckon & Breckon.

5.2 Lawful Basis

The collection of your data for this purpose is under the **Lawful Basis** of Contract, because we require this information in order to manage the formation and execution of a contract between you, the Buyer and the Vendor (Seller) of the property, who has appointed Breckon & Breckon to act as their Agent in this matter.

5.3 Information Collected

In addition to the information already collected from the data subject under paragraph 4.3 the additional personal data we may collect and process about you in connection with this purpose is:

5.1.1. Proof of ID

5.1.2. Proof of Address

5.1.3. Proof of Funds

In addition, we may collect other data such as:

5.1.4. Solicitor's details

5.1.5. Financial Adviser's / Mortgage Broker's details

5.1.6. Details regarding any associated sales "Chain" if you are selling a property in order to make the purchase.

5.1.7. Proof of Asset Release

5.4 Retention

Under the **Lawful Basis** referenced in paragraph 5.2 your data will be retained to the end of the financial year in which your property purchase is completed and for a further 6 years thereafter in accordance with HMRC requirements for financial record keeping. Thereafter some details of the property will be retained indefinitely for historical record keeping purposes, to aid any future evaluation of the property, past sales activity and property values.

6 Prospective Tenants

6.1 Data Purpose

In this instance your data is being processed for the specific purpose of letting and managing a property you rent through Breckon & Breckon.

6.2 Lawful Basis

The collection of your data for this purpose is under the **Lawful Basis** of Contract, because we require this information in order to administer a contract to let and manage a property between our client, the Landlord and you the tenant.

6.3 Information Collected

In addition to the information already collected from the data subject under paragraph 4.3 the additional personal data we will collect and process about you in connection with this purpose is:

- 6.3.1. Proof of ID (for Right to Rent checks)
- 6.3.2. Bank Details (for referencing purposes and the repayment of deposits)
- 6.3.3. Employment details
- 6.3.4. National Insurance number
- 6.3.5. Next of Kin
- 6.3.6. Proof of full-time education (if a student)
- 6.3.7. Financial information (bank statements, pay slips, housing benefit)
- 6.3.8. Guarantor Information

In addition, we may collect other data such as the details of employers, accountants, lawyers and previous landlords (or letting agents) for the purpose of collecting references.

6.4 Retention

Under the **Lawful Basis** referenced in paragraph 6.3, your data will be retained to the end of the financial year in which your tenancy of the property ends and for a further 6 years thereafter in accordance with HMRC requirements for financial record keeping.

7 Website Data Collection (Cookies)

This section outlines how our websites/apps may use and save cookies on your computer.

7.1 What are Cookies?

Cookies are simple text files that websites/apps store on your hard drive or browser. Typically, they contain two pieces of information: a site name and unique user ID. Cookies are used to remember your preferences for a site and to record how many times you have visited a site. This means we can tailor your experience depending on your preferences and measure overall usability of our websites/apps.

7.2 How can I block Cookies?

You can delete existing cookies off your hard drive and choose to block new cookies from our websites/apps. You can find out how to do this by visiting <http://www.allaboutcookies.org/manage-cookies/>. However, should you choose to block cookies then some features on our websites/apps might not work as expected.

7.3 Use of Cookies by our websites/apps

The list below shows cookies used by our websites/apps and provides a description of how each cookie works.

Cookie Name: PHPSESSID

Type: This cookie is used by the website to set session preferences. No personal data is stored.

Intrusiveness: Low

Expiry: When browser is closed or the session times out.

Cookie Name: __utma, __utmb, __utmc, __utmz

Type: These cookies are set by Google Analytics and are used to collect non-personal information about how visitors use the websites/apps. The information is used to create reports showing website usage which help us improve the websites/apps. The information is anonymous. Google have developed the "Opt-out Browser Add-on" which stops information being sent to Google Analytics even if cookies are enabled in your browser. See: <https://tools.google.com/dlpage/gaoptout>

Intrusiveness: Low

Expiry: Typically, around 1-2 years. Visit the Privacy Policy of Google to find out further information about these cookies.

Cookie Name: recentProperties2016

Type: This cookie stores the latest 3 property pages that were visited. This information is then used to show the "Recently viewed properties" section on other property pages.

Intrusiveness: Low

Expiry: 1 year

Cookie Name: recentSearches2016

Type: This cookie stores the last search that was made using the search panel. Its data is then used to create the "Back to search buttons".

Intrusiveness: Low

Expiry: 1 year

Cookie Name: savedProperties2016

Type: This cookie stores the user's saved properties. It contains the data needed to populate the "Saved" section of the property search.

Intrusiveness: Low

Expiry: 1 year

Cookie Name: showSearchList2016

Type: This cookie is created if a property page was accessed from the “Saved” list. It allows the creation of ‘Back to search results’, ‘Next’ & ‘Previous’ buttons for saved properties.

Intrusiveness: Low

Expiry: 1 year

8 Destruction

At the end of the retention period your personal data will be destroyed using an approved method unless prevented by Court order.

9 Data Sharing

During the course of your data interaction with Breckon & Breckon we may need to share your data with other parties who help us provide our services. In any such relationship Breckon & Breckon acts as the Data Controller and the data is shared with these other parties under formal agreement, limiting the use of the data to the purpose described.

- 9.1. Microsoft Inc, Reapit Ltd, Supadu Ltd, C9 Solutions Ltd, Key Agent Ltd, Tramps Database Management Ltd, Gemini Software Ltd and Dwellant Ltd for the sole purpose of providing and supporting the information technologies used by Breckon & Breckon in the provision of its services.
- 9.2. Photographic, Floorplan and Energy Performance Certificate providers may be engaged for this sole purpose of providing these services in the preparation of a property for marketing. Breckon & Breckon uses a range of contractors for this. If we need to share your personal data with them to arrange access, we will make you aware of who we are sharing your data with when we make the arrangements.
- 9.3. Rightmove and On The Market for the sole purpose of advertising properties.
- 9.4. In the event that you sell or buy, let or rent a property through Breckon & Breckon we may share your data with the other parties involved in the transaction as well as their legal advisers and surveyors for the sole purpose of facilitating the transaction. Where appropriate the details of these parties will be made known to you at the time.
- 9.5. In the event that you are selling or buying a property through Breckon & Breckon we may share your details with the other Agents in the “Chain” of sales / purchases associated with your sale or purchase for the sole purpose of managing the sale.
- 9.6. Property Maintenance Contractors for the sole purpose of arranging maintenance of the property. The specific names of the contractors appointed on any occasion will be advised to you when arrangements are made for the contractor to attend the property.
- 9.7. Jamesons Ltd the Company’s accountants for the purposes of financial record keeping.

- 9.8. The Company's legal advisers, Bower and Bailey LLP, for the sole purpose of defending any claim.
- 9.9. Breckon & Breckon's insurance brokers, for the sole purpose of defending any claim brought against the Company. This includes: Great Lakes Insurance SE, Certain Underwriters at Lloyd's, Manchester Underwriting Management and Arthur J Gallagher via Hiscox Underwriting Ltd.
- 9.10. Professional bodies such as the Property Ombudsman and Propertymark (NAEA and ARLA) for the sole purpose of processing any complaint regarding our services.
- 9.11. In the event that Breckon & Breckon or any companies in the group, or parts thereof are sold or integrated with another business your details may be disclosed to our advisers and any prospective purchaser and their advisers and will be passed to the new owners of the business on completion of any sale.
- 9.12. Legal for Landlords for the sole purpose of referencing tenants.

10 Data Subject's Rights

- 10.1 Under the General Data Protection Regulation, you, the Data Subject have certain rights regarding the control and processing of your personal data. Details regarding your rights can be found on the Information Commissioner's Office (ICO) [website](#).
- 10.2 Should you wish to contact Breckon & Breckon in order to exercise any of these rights, please email the **Data Controller's** representative using the following email address: privacy@breckon.co.uk or by contacting Breckon & Breckon's Data Manager on 01865 310300.

11 Security

- 11.1. Recognising the importance of personal data to our consumers, we endeavour to put in place appropriate organisational and technical measures to protect that data. These are reviewed by an independent third party.
- 11.2. Personal data we hold on electronic media is stored in secured servers located in the EEA.
- 11.3. Where data is held on paper, access is controlled, and files are secured in secure cabinets in a secured office.
- 11.4. **Data Subjects** should be aware that not all electronic communications are secure. We use Transport Layer Security (TLS) to encrypt and protect email traffic in line with government advice. However, if your email service does not support TLS, you should be aware that any emails we send or receive may not be protected in transit.
- 11.5. We will also monitor any emails sent to us, including file attachments, for viruses or malicious software. Please be aware that you have a responsibility to ensure that any email you send is within the bounds of the law.

12 Additional Services

As a consumer of our services we may occasionally contact you to make you aware of other similar services we offer, which we feel could be of assistance to you. Such communications will be sent to you under the Privacy and Electronic Communications Regulations and you will be given the option to opt out of similar communications on each occasion.

13 Data Protection Concerns

Should you have any concerns regarding the way an organisation is processing your personal data, the ICO recommends that in the first instance you contact the organisation concerned. If the organisation does not address those concerns in an appropriate manner, you then have the option to escalate the issue to the ICO. If you wish to contact us because you have concerns about our use of your personal data, please contact us using the details provided in paragraph 10.2.

14 Updates

This Privacy Notice is kept under review and it is amended as appropriate. It was last updated on 29th October 2018.