

# Privacy Policy

This privacy notice sets out how we will process personal data we collect from or about you, or which you provide to us. Please read this notice carefully to understand why data is being collected and what we do with that data.

Our website and services may contain links to independent websites which are not provided by us. Such independent sites are not under our control, and we are not responsible for and have not checked and approved their content or their privacy policies.

We may change this privacy notice from time to time by amending this page.

For the purpose of the Data Protection Act 1998 and General Data Protection Regulation EU 2016/679, the data controller is Esoteric Estates a company registered in the United Kingdom under company number 11018835, whose registered address is 30 Station Road, Netley Abbey, Southampton SO31 5AF. (Please see section “Your Rights” if you wish to contact us.)

## **What type of information will we collect from you?**

We collect and process the minimum of personal data in order to fulfil our service to you in assisting you with your property search and this would be:

- Name and contact details (including your telephone number, email address and postal address)
- Usage information about your visits to our website (which enable our website to remember information about you and your preferences) and use of our site. We may automatically collect information about your computer or mobile device, including your IP address. This information may be combined with other information you provide to us, as described above.
- Information relating to your identity where we are required by law to collect this in order to comply with the Money Laundering Regulations 2017 and the Immigration Act
- Information on your close connections where we are required to conduct conflicts of interests under regulatory obligations
- Your banking details where required such as where you are letting a property or, where renting, to set up an approved tenancy deposit account for you and arrange for rental payments
- Details about your areas of interest where we wish to send you marketing information about similar products and services
- Your communications with us, including a record of the email or telephone correspondence created when you contact us as part of a product or service query

Where we need to collect personal data by law (for example to meet our obligations to prevent fraud and money laundering) or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with our services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time

## **On what basis can we process your information?**

The legal grounds under the General Data Protection Regulations for processing your personal data are as follows:

- It is necessary for the performance of a contract to which you are a party, or to take steps prior to entering into a contract with you, for us to provide you with our products and services
- You have given us explicit consent to the processing of your personal data namely to receive electronic marketing by us. You do not need to provide us with marketing consent in order to receive our services.
- It is necessary for the purposes of our legitimate interests, except where our interests are overridden by the interests, rights or freedoms of affected individuals (such as you). To determine this we shall consider a number of factors, such as what you were told at the time you provided your data, what your expectations are about the processing of the data, the nature of the data, and the impact of the processing on you. Our legitimate interests include processing your data necessary to improve and to promote our services and products and to better understand our customers' interests and knowledge of the property market and to administer the technical aspects of our services and products.
- Where we need to comply with a legal obligation; or in rare circumstances:
- Where we need to protect your interests (or someone else's interests); and/or
- Where it is needed in the public interest or for official purposes

### **What are we going to do with your information?**

We will hold and use personal information about you in the following ways:

- In order to fulfil our obligations to you when providing you with our property services.
- To share your information with others where necessary to fulfil our property services for you or where acting as agent for a third party on your behalf.
- To comply with our statutory and regulatory obligations, including verifying your identity, prevention of fraud and money laundering and to assess your credit worthiness.
- Communicate with you during the course of providing our services, for example with your enquiries and requests.
- Statistical purposes so we can analyse figures to help us manage our business and plan strategically for the future.
- To provide you, or to enable Top Mortgage Solutions, Quote My Legals, David Ebert Solicitors, Dezrez Legal and RM Legal (this list is a fair example of companies we use most widely but is not exhaustive and is subject to change) to provide you with information about goods or services we feel may interest you, where you have provided permission for us to do so or, if you are an existing customer only, where we choose to contact you by electronic means (including e-mail or Social Media) with information about our own goods and services similar to those which you have already obtained from us or negotiated to obtain from us. For those marketing messages you can unsubscribe from at any time.
- Track your use of our services in order to improve these.
- To notify you about changes to our services.
- To ensure that content from our site is presented in the most effective manner for you and for your device.

### **How long we keep your data for**

We will retain your personal data for different periods depending on the service you have chosen to use us for, which may be a longer period than that for which we need to hold your data to provide those services, i.e where we are under regulatory or statutory duties to hold your data for a longer period or need to retain it in the event of a legal claim or complaint. Please see our retention policy for further details.

### **Who your information will be shared with**

We engage third-party service providers (our “data processors”) to perform a variety of business operations on our behalf. In so doing, we may share your personal information with them. We provide our service providers with only the personal information they need in order to perform the services we request, and we contractually require that they protect this information appropriately and not use it for any other purpose. These include, but are not limited to; Top Mortgage Solutions, Quote My Legals, David Ebert Solicitors, Dezrez Legal, RM Legal, Southern Domestic Energy Assessors and GoEco Energy Surveyors.

As Landlords and tenants you should be aware that we are legally obliged to make regular disclosures of information relating to the letting and management of properties to Her Majesty’s Revenue and Customs (HMRC). Such disclosures are exempt from the Data Protection regulations.

We will also pass your details where necessary to your property solicitors, those of the other party to your transaction together with other estate agents involved.

We will also disclose your personal information to third parties:

- In the event that we sell or buy any business or assets, in which case we will disclose your personal data to the prospective seller or buyer of such business or assets.
- If our company or substantially all of our assets are acquired by a third party, in which case personal data held by us about our customers will be one of the transferred assets.
- If we are under a duty to disclose or share your personal data in order to comply with any legal or regulatory obligation, or to protect the rights, property, or safety of our company, our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

The success of our business depends on your trust, and we do not sell your personal information. We may share your personal information within Esoteric Estates and as described in this statement. We will not share your information with third parties for marketing purposes without first obtaining your prior consent.

## **Security of your data**

Your data will be held on secure servers within the European Economic Area (“EEA”) with all reasonable technological and operation measures put in place to safeguard it from unauthorised access. Where possible any identifiable information will be encrypted or minimised. We use the services of Domus for email marketing and our newsletters and for this purpose our data is hosted in the UK and protected under UK law.

If you register on our website for our services you will have created a username and password which enables you to access certain services on our website, you are responsible for keeping it confidential. Please do not share it with anyone.

## **Your rights**

### **How you can access and update your information**

You have a right to request a copy of the personal information we hold about you, known as a data subject access request. You also have the right to request that information we hold about you which may be incorrect, or which has been changed since you first told us, is updated or removed. These requests are free of charge and can be sent to The Data Protection Officer, Esoteric Estates, 30 Station Road, Southampton, SO31 5AF or via email to [info@esotericestates.co.uk](mailto:info@esotericestates.co.uk). We will respond to any request within one calendar month subject to us receiving satisfactory identification. The

right to access personal information may be limited in some circumstances by local law requirements.

### **How you can request erasure of your data**

You can 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 successfully exercised your right to object to processing (see below), where you have withdrawn consent for us to process it (as explained below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

### **How you can withdraw your consent**

You have the right at any time to withdraw any consent you have given us to process your personal data. Please note if you withdraw your consent it will not affect the lawfulness of any processing of your personal data we have carried out before you withdrew your consent. Should you wish to do so you can change your consent preferences at any time by contacting The Data Protection Officer, Esoteric Estates, 30 Station Road, Southampton, SO31 5AF or via email to [info@esotericestates.co.uk](mailto:info@esotericestates.co.uk).

### **How you can restrict or object to us using your data**

You can ask us to suspend the way in which we are using your information in certain scenarios, or object to our processing your data where we are relying on a legitimate interest ground (or those of a third party) and you feel it impacts on your fundamental rights and freedoms, or where we are processing your personal data for direct marketing purposes. In some cases where you object, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Please note that if you want us to restrict or stop processing your data this may impact on our ability to provide our services. Depending on the extent of your request we may be unable to continue providing you with our service.

Any queries or concerns about the way in which your data is being used can be sent to The Data Protection Officer, Esoteric Estates, 30 Station Road, Southampton, SO31 5AF or via email to [info@esotericestates.co.uk](mailto:info@esotericestates.co.uk).

### **Moving your information to another organisation**

In the event that we process your data by automated means where you have either provided us with consent for us to use your information or where we used the information to perform a contract with you, you have the right to request that we send to you or to another organisation, a copy of the personal data we hold about you, for example when you are dealing with a different service provider. If you would like us to move, copy, or transfer your information please let us know by email to [info@esotericestates.co.uk](mailto:info@esotericestates.co.uk). We will respond to you within one month after assessing whether or not this is possible, taking into account the technical compatibility with the other organisation in question.

### **Queries about the use of your personal data**

If you wish to raise a complaint on how we have handled your personal data, you can contact us to have the matter investigated by writing to The Data Protection Officer, Esoteric Estates, 30 Station Road, Southampton, SO31 5AF or via email to [info@esotericestates.co.uk](mailto:info@esotericestates.co.uk).

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the UK data protection regulator, the Information Commissioner's Office. Further details can be found at [www.ico.org.uk](http://www.ico.org.uk) or 0303 123 1113.