

Privacy Notice: Applicants for sales or tenancy

We provide individuals with privacy information at the time we collect their personal data from them.

If we obtain personal data from a source other than the individual it relates to, we provide them with privacy information within a reasonable period of obtaining the personal data and no later than one month.

If we plan to communicate with the individual, we provide this at the latest, when the first communication takes place. If we plan to disclose the data to someone else, we provide this information at the latest, when the data is disclosed.

Date Created:

Last Reviewed:

Privacy Notice

Humphrey and Brand Residential LLP (the “Data Controller”) cares about the privacy of the people we work with. We only collect and use information in line with the General Data Protection Regulation, the Data Protection Act and any other applicable laws and regulations.

This Privacy Notice is to inform you about our processing activities and applies only to our applicants – those who are interested in renting or buying one of our clients’ properties and who enter into negotiations with us or our clients.

What categories of Personal Data do we process?

We process the following kinds of information in relation to the Data Subjects above:

- Personal contact details such as name, address, telephone numbers, and personal email addresses
- Your budget
- Your employment details
- Notes about our relationship with you
- Notes about your property preferences
- Other notes relating to requirements
- Details about your solicitor
- Details about your mortgage or loan provider
- Nationality
- Documents that prove your identity
- Credit referencing information (if you go forward to apply for a tenancy)

Why do we process this information?

We will use the types of personal information specified above in the following circumstances:

1. To perform the contract we have entered into with you.
2. To comply with our legal obligations.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We use your personal information on the basis that it is necessary for the purposes of administering our sales and lettings department – enabling us find you an appropriate property match, mediate between you and a potential buyer or landlord, and perform all the necessary checks before entering into a contract with you, or arranging a contract between you and one of our clients.

Situations in which we will use your personal information

Scenarios where we may process your data under these purposes may include:

- Making decisions about which properties to suggest to you for viewing
- Conducting reference checks
- Determining the terms before entering into a contract with you, or arranging a contract between you and our client

- Passing details of an offer you make to the client or landlord to consider.
- Checking your right to reside in the UK
- Processing any pre-contract payments or fees, including holding deposits.

The information above may also be processed in the course of entering into an agreement with you, to demonstrate that we have complied with anti-money laundering, immigration and financial law, including your nationality and copies of your identification – and we will not use this information for any other purpose than complying with our legal obligations.

We may also draw upon any of the information we hold about you in the event of a legal claim.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information. We keep a record of our processing activities and can provide more information about our purposes and legal bases on request.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Where did we collect this data from?

We use information we have collected from you directly and will not perform our own research to create a profile about you without your knowledge.

Where applicants have gone on to a tenancy we may maintain records of credit checks from our credit referencing agencies. We may also retain other references including from your employer or previous landlord.

We may separately collect other data about you under the terms of another Privacy Notice, such as if you use our website or you are already a tenant in one of our managed properties.

Are you under any obligation to provide the Personal Data?

Where we process Personal Data to comply with our legal obligations Data Subjects must provide this information.

Failure to provide certain information in the course of registration may prevent us from fulfilling our contractual obligations to our clients, and may affect our ability to process your application.

Where data is processed on the basis of legitimate interest you may have the ability to withhold certain kinds of data without affecting your relationship with us.

Who do we share this information with?

We may share your personal information with some third-party organisations who process data on our strict instructions (Data Processors). Our processors provide the following kinds of services:

- IT administration and support
- Web-based software applications
- Legal advisors
- Data protection consultancy

We take steps to ensure our processors maintain GDPR-compliant processes and put in place an adequate level of security to keep your data safe. We do not allow our third-party service providers to use your personal data for any other purpose. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

We may share some of your information with the following referencing agencies to perform pre-tenancy checks (click on the links to learn more about their use of your data):

- [Experian](#)
- [Lettingref](#)

We may share your referencing information with our clients so they can make a decision about entering into a tenancy agreement with you.

We may share some of your information with the [TDS](#) to process payments under the deposit protection scheme.

We may share some your information with third-party business contacts such as solicitors and lenders for the purposes of preparing a contract or transaction with our clients. We may share your personal information with other third parties as we are required, including for reporting to governmental bodies or any court in the United Kingdom, and if we ever engage in the sale, administration or restructuring of the business.

We do not use any external marketing list compilers or transfer any of our customer data to any third party marketing company.

We do not transfer any personal data outside the EU, but if this ever changes we will provide you with a new privacy notice detailing the change.

Will the information be used for automated decision making or profiling?

Some of the information we process during referencing may have been subject to Automated Processing by our processors, which means the outcome of the check was made without human involvement. However, you will never be subject to a decision based solely on Automated Decision Making. Credit reports are reviewed by our team and also by the landlord before making a decision on a tenancy.

How long do we keep this information?

We retain Personal Data in compliance with our Retention Policy and Schedule for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. For example, any information we collect to administer a contract with you will be held for the duration that contract, plus a further seven years to handle any legal claims within the statutory timeframe under the Limitations Act 1980.

Our Retention Policy and Schedule are available from our Privacy Portal, [here <provide link>](#).

How do we keep this information secure?

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Access to our systems is limited so only those employees who require access to certain kinds of data subjects may do so. Our team operates under a strict Data Security Policy to ensure their day to day practices reflect best practice in secure and safe processing with the utmost respect for data subjects.

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.

What rights do you have?

Data Subjects are entitled to request that we erase, restrict, rectify or provide you with a copy of the data we hold, and may object to processing activities.

It is our policy to fulfil any such request within the statutory period of one month unless there is a compelling legal or contractual obligation which prevents us from doing so.

To make any such request please contact our officer responsible for data protection, whose contact details are Laura Humphrey, Partner, laura@humphreyandbrand.co.uk.

You also have the right to lodge a complaint with the UK's data regulator, the Information Commissioner's Office. Visit www.ico.org for more information.

Our contact information

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