

# Hugh F Shaw & Co Ltd

## Privacy Policy

### 1. Introduction

This privacy policy explains how Hugh F Shaw & Co Ltd uses any personal data (information) we collect about you.

Hugh F Shaw & Co Ltd (Company number 04658376) is committed to ensuring that your privacy is protected, and our use of your personal information is governed by this Privacy Notice. On this site, “HFS”, “Hugh F Shaw”, “our” and “we” each mean Hugh F Shaw & Co Limited. We collect and use your information in the manner set out in this Privacy Policy. Any reference to “you” or “your” refers to anyone whose personal information we collect and process.

By using Hugh F Shaw website, social media and other mobile applications or otherwise providing your personal information to Hugh F Shaw, you agree to the collection, use and sharing of your information in accordance with this statement. Please read this privacy policy carefully and contact us if you have any questions.

Hugh F Shaw is a controller for the personal information that it collects and uses about you. We take a human approach to how we process personal data by being open, honest and transparent. We will treat your personal information as confidential and in accordance with applicable data protection legislation and your personal information will only be shared with others in accordance with this Privacy Policy.

We may need to update this notice from time to time. When a change is significant or if we change the way in which your personal data is used, we will make sure we let you know – usually by sending you an email and by a notice on our website.

This Privacy Policy explains;

- What personal information is
- How we collect your personal information
- The types of personal information we collect
- How we use your personal information
- The legal basis for processing your personal information
- How we share your personal information
- How we keep your personal information secure
- How long we keep your personal information
- No transfer of your personal information to non-EEA area
- Your rights in relation to your personal information
- How to make complaints and how to contact us

### 2. What is personal information

Personal information (data) is any information, or any combination of separate pieces of information that could be used to identify you. This could include information such as name, contact details, date of birth, bank account details or any information about your needs or circumstances which could identify you.

If you cannot be identified (for example, when personal data has been aggregated and anonymised) then this notice does not apply.

If you have any specific concerns around the privacy of your personal data or require further information about how we manage your personal information, please get in touch with us directly

By post or in person: Hugh F Shaw & Co Ltd, 22 Melcombe Street, London NW1 6AH

By Phone: 020 7724 5566

By email: [info@hughfshaw.com](mailto:info@hughfshaw.com)

Some personal information is classified as "special" data under data protection legislation. This includes information relating to health, racial or ethnic origin, religious beliefs or political opinions and sexual orientation. This information is more sensitive, and we need to have further justifications for collecting, storing and using this type of personal information. There are also additional restrictions on the circumstances in which we are permitted to collect and use criminal conviction data.

Any references to personal information in this privacy policy will include personal data, and where relevant, special categories of personal data.

### **3. How we collect your personal information**

We may collect information about you from a variety of sources. This includes information

- We collect personal data directly from you from your interactions with us whether over the phone, in person, in writing, or through emails, website, social media, throughout our relationship with you.
- Information we collect when you visit our office or on viewings
- View our online content and join us on social media
- Use our mobile applications or other services
- Information we collect from other sources (including third parties such as reference agencies, fraud prevention agencies, agents working on your behalf government and law enforcement agencies).

We collect information directly from you when you choose to participate in our offers, create an account on our website or in our mobile applications, call, visit, or email us, contact us with questions or request support or provide information directly to us.

If you don't want to provide us with personal data, you don't have to, but it means you can't use some parts of our websites or our services.

### **4. The Types of personal information we collect**

The following are examples of information we may collect directly from you when you engage with us.

- Full Name
- Email address
- Residential and postal address
- Property address

- Telephone
- Date of birth
- User name and password
- Socio-Demographic information (includes details about work or profession, education & financial standing)
- Bank account details (financial position, status & history )
- Future communication preferences
- Your requirements

In addition to the above, the following are examples of information, we collect from other sources including

- Publicly available sources, such as the Land Registry, social media platforms or referral agents etc. (this includes publicly observed activities or information made available by you to the public, such as blogs, videos, internet postings, and user generated content).
- References from banks, ex-landlords, employers,
- Search at credit reference agencies

In addition, if we are providing a service to you, or on your behalf, where we are required to do so by law, [for example, we have to perform Know Your Customer (KYC and enhanced KYC) under the Anti-Money Laundering, Proceeds of Crime and Right to Rent regulations] we will collect information relating to your identity, which will be at least one form of photographic identification (such as a valid passport, a driving licence or an identification card) and one form of documentation with proof of your place of residence (such as a recent utility bill).

Depending on the service that we provide to you (or on your behalf) we may also collect additional personal information as detailed below;

If you are selling or letting a property through us;

- We will collect a contact telephone number to get in touch with you about organising viewings and updating you on any offers received or rental applications for your property.
- Where you are not the legal owner of the property we will request details from you as to your ability to sell or let the property such as a Power of Attorney, Guardianship Order or Grant of Probate.
- We will collect your bank account details to arrange onward payment of rent due to you

If you wish to rent or buy a property we are listing;

- Specific requirements so that we can find a property that is suitable for your needs.
- Your bank account details to set up your rental payments
- If you are a tenant renting under the 'Right to Rent' scheme we will collect details of you and any other biometric residence card, your immigration status document and/or your birth certificate to carry out our required checks under this scheme (this will apply to all proposed occupiers of the property).
- We will negotiate the purchase/letting of a property on your behalf.

Where we engage with you to manage property on your behalf we will ask for additional emergency contact information in case we need to get in touch with you outside of working hours or in the event there is a matter requiring your urgent attention.

## 5. How we use your personal information

Data Protection law says that we are allowed to use personal information only if we have a proper reason to do so, the law says we must have one of the following reasons:

- To fulfil a contract, we have with you
- When it is our legal duty
- When it is in our legitimate interest
- When you consent to it

We use the information we collect to provide you with our services. Our services include but are not limited to the buying, selling, letting, renting and management of property. The following are examples of how we may use the information we collect:

First and more most, we use your personal data to provide you with any services you have requested, and to manage our relationship with you. This is in our legitimate interest to do (includes for example to keep records of transactions).

- To take steps at your request prior to entering into a contract/agreement with you.
- To Perform our Know Your Customer checks
- To forward your details to the other party (landlord, tenant, vendor, purchaser, solicitor, deposit protection, other agent in the case of joint/sub agent) with your consent.
- To decide whether to enter into a contact/agreement
- To manage and perform our contract/agreement
- To update our records for good governance, accounting, auditing and managing our business.
- To trace your whereabouts to contact you and recover any outstanding debt.
- To communicate with you (answer your questions or respond to your requests) and support you.
- Create and manage your account.
- Process payment for purchases or other services (including 3<sup>rd</sup> parties)
- Contact you by telephone, email, letter, messages and other means with information that we think may be of interest to you.
- Allow you to participate in social sharing on our websites and via social media
- Analyse the use of, and develop, our products, services and marketing (legitimate interest)
- Enforce our Terms and Conditions and otherwise manage our business.
- To send you details of any changes to our business operation and service and changes to our website etc.
- In accordance with a legal obligation, or where we have your consent.
- To prevent, investigate activities that may be illegal or prohibited and detect any fraud and other financial crimes, or malicious activity (protect)
- Maintain the security of our services

## 6. The Legal basis for processing your personal information

Under data protection legislation we are only permitted to use your personal information if we have a **legal basis** for doing so. We rely on the following legal bases to use your information;

- For employment-related purposes
- Where we need information to perform the contract we have entered with you
- To verify your identity and make credit checks
- To check and verify your right to rent if applicable
- Where we have to comply with legal and regulatory and related disclosure
- For activities relating to the prevention, detection and investigation of crime and money laundering checks
- To comply with the requirements of HMRC
- Where you exercise your rights under the data protection law and make requests
- For establishment and defence of our legal rights

Under **Legitimate interests** of Hugh F Shaw

A legitimate interest is when we have a business or commercial reason to use your information including but not limited to internal administrative purposes, product development an enhancement, preventing fraud, ensuring network and information security.

Where the processing is necessary for us to carry out activities for which it is in HFS's legitimate interests (or those of a third party) to do so **and provided that your interests and fundamental rights do not over ride those interests**, including:

Processing that is necessary for us to promote our business. – this will may include sending you marketing information from time to time after you have engaged us to provide services or received services from us either which may be similar and or interest to you or where you have expressly indicated that you would like to receive such information. **You have the right to opt out of receiving this information at any time and withdraw your consent.**

Processing necessary for us to operate the administrative and technical aspects of our business efficiently and effectively – this will include: verifying the accuracy of information that we hold about you and create a better understanding of you as a customer; processing for administrative efficiency purposes such as where we outsource certain administrative functions to third parties who are specialists in such services; processing for network and information security purposes i.e. in order for us to take steps to protect your information against loss, damage, theft or unauthorized access or to comply with a request from you in connection with the exercise of any of your rights.

In more limited circumstances we may also rely on the following **legal bases**:

- 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

Based on **your consent** e.g.:

- When you request us to disclose your personal data to other people or organisations such as insurance claims, accountants/auditors, maintenance and service providers
- When we process any special categories of personal data at your request (e.g. health).
- To send you marketing communications where you have given us consent to do so.

We may process special categories of personal information and criminal conviction information in the following limited circumstances:

- With your explicit consent, in which case we will explain the purpose for which the information will be used at the point where we ask for your consent.

## 7. How we use and share your personal information

Personal information will be used for the services you have requested from us,

- All directors & staff of Hugh F Shaw
  - Our legal and other professional advisors, including bookkeepers, accountants, auditors and lawyers, to the extent that they require access to the information to provide advice
  - Courts to comply with legal requirements and for administration of justice
  - In an emergency or to protect vital interests
  - To protect the security and or integrity of our business operation
  - We use your personal information for the purposes of fulfilling our obligations to you to let or sell your property or, if you are a buyer or tenant, for the purposes of arranging a contract for sale or a lease for you.
  - If you are purchasing a property we are acting as agents for the sale of or selling a property through us we will share your personal information with your appointed solicitors and the solicitors acting for the other side of the deal as is necessary to facilitate the sale or purchase.
  - If you are renting a property we are acting as letting agents of the landlord, we will share your personal data with the landlord, guarantors, joint tenants and with third party referencing agencies for the purposes of the prevention and detection of crime, fraud and/or money laundering and checking your suitability to rent that property.
  - To other parties connected with your contract/agreement plus legal advisors
  - When we restructure or sell our business or have a merger or re-organisation
  - Payment systems – when we have to transit funds to you/ for you.
  - Any one else where you have given us consent or where we are required to by law
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- Where we are managing property on your behalf we may need to pass your personal information from time to time on to third party contractors whom we have engaged to carry out maintenance on your properties.
  - We may also pass your personal information to the management company of your property.
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- If you ask us to insure your property we will disclose information to be sent to a selected panel of insurance providers to obtain suitable options for insurance products for your requirements.
  - We will share personal information with our regulators, fraud prevention agencies and other organisations to allow us to undertake checks, governmental or quasi-governmental organisations, law enforcement authorities, HMRC and with courts, tribunals and arbitrators as may be required from time to time to comply with our regulatory and legal obligations;
  - Where we use third party services providers who process personal information on our behalf to provide services to us. This includes IT systems providers and IT contractors as well as third party referencing or screening agencies for the purposes of the prevention and detection of crime.
  - We may share your personal information with your permission to any person working with us, on a need to know basis to ensure we are able to perform our obligations to you.

### What happens if you do not provide information that we request?

We need some of your personal information to perform the services you have requested from us. For example:

- where we are selling a property on your behalf we need to know your contact information so that we can update you with information on viewings, offers and the progress of the sale;
- where you have asked us to find you a property which meets certain requirements, we may need to know some further details about your circumstances so that we can find you a suitable property;

We also need some information so that we can comply with our legal obligations. For example, we may need identity documents from you to meet our obligations to prevent fraud and money laundering.

If you do not provide the information required for these purposes, we will not be able to perform our contract with you and may not be able to provide services to you or continue to provide certain services to you. We will explain when this is the case at the point when we collect information from you.

## **8. How we keep your information secure**

The security of information is very important to us and we have measures in place which are designed to prevent unauthorised access to your personal information including but not limited to:

- Our client files are stored on our secure systems. Access is restricted on our systems to those within the business who are required to have access to your information for legitimate business purposes.
- Hard copy documentation is stored in our alarmed office.

All data is kept on our systems and protections in place to protect against both unauthorised access, and other external factors that could cause damage to, your personal data.

We ensure access to personal information is restricted to HFS employees and directors on a need to know basis. Training is provided to all our employees and directors who need access to personal information.

## **9. For how long we retain your personal information**

The length of time we keep your personal data depends on what it is and whether we have an ongoing business need to retain it (for example, to provide you with a service you have requested from us).

The retention period may be longer than the period for which we are providing services to you in accordance with our data retention policies and practices, where we have statutory or regulatory obligations (to comply with legal, tax or accounting requirements), or where we may need to retain the information in case of a legal claim. Following that period, we will make sure it's deleted or anonymised.

## **10. No transfer of your personal information to Non-EEA area**

We do not transfer, store, or process your personal information in locations outside the UK and the European Economic Area (EEA).

## 11. Your rights in relation to your personal information

You have a number of rights in relation to your personal information, these include the right to:

- Be **informed** about how we use your personal information ( how we process your personal data)
- Obtain **access** to your personal information that we hold
- Request that your personal information is **corrected** if you believe it is incorrect, incomplete or inaccurate
- Request that we **erase (the right to be forgotten)** your personal information in the following circumstances:
  - If HFS is continuing to process personal information beyond the period when it is necessary to do so for the purpose for which it was originally collected
  - If HFS is relying on consent as the legal basis for processing and you withdraw consent
  - If HFS is relying on legitimate interests as the legal basis for processing and you object to this processing and there is no overriding compelling ground which enables us to continue with the processing
  - If the personal information has been processed unlawfully (i.e. in breach of the requirements of the data protection legislation)
  - If it is necessary to delete the personal information to comply with a legal obligation
- Request us to **restrict** processing of your personal data where you consider that:
  - personal information is inaccurate
  - our processing of your personal information is unlawful
  - where we no longer need the personal information, but you require us to keep it to enable you to establish, exercise or defend a legal claim
  - where you have raised an objection to our use of your personal information
- Request to **copy, move or transfer** of certain personal information that you have provided to us in a commonly used electronic format. This right relates to personal information that you have provided to us that we need to perform our agreement with you and personal information where we are relying on consent to process your personal information
- **Object** to our processing of your personal information where we are relying on legitimate interests or exercise of a public interest task to make the processing lawful. If you raise an objection we will carry out an assessment to determine whether we have an overriding legitimate ground which entitles us to continue to process your personal information; and
- Not be subject to **wholly automated decisions** which produce legal effects, or which could have a similarly significant effect on you.

If you would like to exercise any of your rights by sending an email to [info@hughfshaaw.com](mailto:info@hughfshaaw.com)

If you are not satisfied with our response, please let us know by sending an email to [info@hughfshaw.com](mailto:info@hughfshaw.com). We will review and investigate your complaint and try and come back to you within a reasonable time frame. You have a right to complain to the Information Commissioner's office. It has enforcement powers and can investigate compliance with data protection law. [www.ico.org.uk](http://www.ico.org.uk) Security

### Monitoring of Communication

Subject to applicable laws, we will monitor and record your emails, text messages, social media messages and other communications in relation to your dealings with us. Please note



that we do not record your calls to our office. We will do this for regulatory practices, crime prevention and detection, to protect the security of our communication systems and procedures.

## **12. Information Security**

Security is a priority for us when it comes to your personal data. We're committed to protecting your personal data. We have implemented technical, administrative and physical procedures designed to protect personal information from loss, misuse or alternation.

Internet communication, which includes email is not secure. The protection of data by encryption is possible provided that the encryption method (protocol) used is current and the correct procedure for encryption and decryption is followed at all times. We cannot accept any responsibility for unauthorised access by a third party or for the loss, theft or modification of data while it is being sent to us by email.

### **Information Sharing**

The success of our business depends on your trust, and we do not sell your personal information to marketers. We will not share your personal information to third parties without your consent except when required by law and /or government agencies.

### **Third Party Service Providers**

We engage third -party service providers to perform a variety of business operations on our behalf. In doing so, we share your personal information with them. We provide our service providers with only the personal information they need in order to perform the service we request, and we contractually require that they protect this information appropriately and not use it for any other purpose.

### **Children's Privacy**

Our sites are not directed to children under the age of thirteen and we do not knowingly collect personal information from children under the age of thirteen on our website.

### **Third Party Sites and Social Media**

Hugh F Shaw lists properties on third party sites and social media for Example Zoopla, Prime Location, OnTheMarket, Facebook, Twitter, Google+). Hugh F Shaw does not control these third-party sites, and we encourage you to read the privacy statement of every site you visit.

### **Cookies IP addresses and Other Technologies**

A cookie is a small text file that is downloaded onto your computer when you visit certain websites and allows a website to recognise a user's computer. Cookies are used to help users navigate websites more efficiently and to perform certain functions, as well as to provide information to the owners of the website.

Hugh F Shaw and our third party service providers use a variety of technologies to access how our sites and mobile applications are used, to personalize your experience and deliver a better service. For more information please visit <http://www.hughfshaw.com/cookies>

You may opt out of continued information collection by our mobile application by deleting the application and or adjusting the settings on your device.

### **User Generated Content**

Please remember that any information you submit or post as user-generated content to Social Media sites becomes public information. You should exercise caution when deciding to disclose your personal, financial or other information in such submissions or posts. Hugh F Shaw cannot prevent others from using such information in a manner that may violate this Privacy Policy, the law or your personal privacy and safety. Hugh f Shaw is not responsible for the results of such postings.

### **Updates to our Privacy Policy**

We will post changes to this Privacy Policy and indicate the effective date when this Privacy Policy is updated. If we make any material changes to this Privacy Policy, we will notify you by sending an e-mail to the e-mail address you most recently provided us or by posting a notice of the changes on our website.

### **12. Complaints and Contact Details**

If you consider that we have processed and used your personal data in violation of applicable law, please contact us Chandra Shah at [info@hughfshaw.com](mailto:info@hughfshaw.com) and we will try and resolve the issue. If you consider that we have processed your personal data in violation of applicable law and failed to remedy such violation to your reasonable satisfaction, then you have the right to complain to the Information Commissioner in the UK [www.ico.org.uk](http://www.ico.org.uk)

#### Contact details

If you have any questions, comments or requests regarding any aspect of this Privacy Policy, please do not hesitate to contact us by sending an email to Chandra Shah [info@hughfshaw.com](mailto:info@hughfshaw.com).