

MacLaren & Partners LLP

Privacy Notice

1. General

- 1.1 MacLaren & Partners LLP (“we” or “us” or “MacLaren”) takes the privacy of your information very seriously. Our Privacy Notice is designed to tell you about our practices regarding the collection, use and disclosure of personal information about you, your enterprise or your organisation that may be provided to us by you personally, or by email or telephone communication or collected through other means.
- 1.2 This notice applies to ‘**personal data**’. Personal data means any information relating to an identified or identifiable natural person, who may be identified, directly or indirectly by reference to an identifier such as a name, an identification number, location data, online information (e.g. an IP address) or to one or more factors relating to that person.
- 1.3 This notice applies to personal data provided to us by our clients, prospective clients, buyers and sellers in property transactions, estate agents, surveyors, suppliers, contractors, property owners, tenants and lessees, prospective tenants and lessees or other direct or indirect users of our services (“**Services**”), whether they are a client of our Services or otherwise. In this notice “you” refers to any individual whose personal data we hold or process.
- 1.4 This notice is prepared in compliance with the EU General Data Protection Regulation (the “**GDPR**”) and the European Union Regulation (EU) 2016/679 (General Data Protection Regulation) as such regulation is adopted into the law of the United Kingdom pursuant to the European Union (Withdrawal Act) 2018 and as amended by the Data Protection Act 2018 and any successor regulation or law (“**UK GDPR**”).

2. Basis on which we process personal data

- 2.1 Personal data we hold about you will be processed either because:
 - 2.1.1 the processing is necessary in pursuit of a “legitimate interest”, a legitimate interest in this context means a valid interest we have or a third party has in processing your personal data which is not overridden by your interests in data privacy and security;
 - 2.1.2 you have consented to the processing for the specific purposes described in this notice; or
 - 2.1.3 the processing is necessary in order for us to comply with our obligations under a contract between you and us.

3. Personal data we collect

- 3.1 We may collect and process the following personal data (information that can be uniquely identified with you) about you:

- 3.1.1 contact information we collect from you (for example, your name, work address, residential address, telephone number, email address) (“**Contact Information**”);
 - 3.1.2 bank account details and information provided relating to proof of funds that we may request or payment that we may collect or receive (“**Payment Information**”) but please note that credit or debit card information may be supplied directly to a third party payment processor who will process the data in accordance with their own privacy notices or policies (see below);
 - 3.1.3 credit and tenant referencing information provided to us by our credit and tenant referencing agents which may include details relating to your address history, employment history, credit history (“**Referencing Information**”);
 - 3.1.4 information used to verify your identity for regulatory purposes (“**AML Information**”)
 - 3.1.5 a record and details of any correspondence or communication between you and us or relating to any complaint submitted to us (“**Communication Information**”);
 - 3.1.6 information you provide when you sign-up to our newsletter or ask or agree to receive information relating to our Services such as your date of birth and service preferences (“**Sign-Up Information**”); and
 - 3.1.7 replies to any surveys or questionnaires that we may use for research, marketing and business development purposes (“**Survey Information**”).
- 3.2 We will not collect any sensitive personal data without your prior consent. By sensitive personal data we mean data which falls within certain ‘special categories’ which are defined in the GDPR (e.g. health data) and which require additional protection and consent measures.
- 3.3 We will collect personal information either from you directly or from a third party. If we do obtain your personal data from a third party your privacy rights under this notice are not affected and you are still able to exercise the rights contained within this notice.
- 3.4 You do not have to supply any personal information to us but our Services may not be available in their entirety in practice without providing this personal data to us. You may withdraw our authority to process your personal data (or request that we restrict our processing) at any time (but our Services may not be available or may need to be withdrawn should you do so).

4. How we process your personal data

- 4.1 Please see the table below, which sets out the manner in which we will process the different types of personal data we hold:

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
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When you update or amend your contact details with us	Contact Information AML Information	Necessary for our legitimate interests (to obtain necessary information in order to provide our Services) Performance of a contract with you
When you contact us about becoming a client or request information relating to our Services	Contact Information Referencing Information	Necessary for our legitimate interests (to obtain necessary information in order to provide our services)
When you become our client or a direct or indirect user of our Services	Contact Information Payment Information Referencing Information AML Information	Performance of a contract with you Necessary for our legitimate interests (for running our business and to provide you with the Services requested)
When we interact with surveyors, estate agents, other professionals and third party suppliers in the course of providing our Services	Contact Information Communication Information	Performance of a contract with you Necessary for our legitimate interests (for running our business and to provide you with the Services requested)
When you provide payment details in relation to our Services	Contact Information Payment Information	Performance of a contract with you Necessary for our legitimate interests (for running our business and to provide you with products and services requested and to fulfil our statutory obligations)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy notice (b) When you submit a complaint (c) Sending relevant information about our	Contact Information Payment Information Communication Information Sign-Up Information Survey Information	Performance of a contract with you Necessary for our legitimate interests (to keep our records updated and to assess how clients use the Services we provide)

<p>products and services to you</p> <p>(d) When you consent to receive our newsletter or ask or agree to receive information relating to our Services</p> <p>(e) When you provide feedback about how you found us and the performance of our Services</p>		
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5. Data Retention

5.1 Our current data retention policy is to delete or destroy (to the extent we are able to) the personal data we hold about you in accordance with the following:

<i>Category of personal data</i>	<i>Length of retention</i>
Records relevant for tax purposes	8 years from the end of the tax year to which the records relate
Personal data processed in relation to a contract between you and us or in relation to a property transaction as part of our Services	15 years from either the end of the contract or the date you last used our Services, being the length of time the Royal Institution of Chartered Surveyors recommends us to retain information about property transactions
Records relating to leases, licences, ASTs or any other agreements entered into as a deed between freeholders or landlords and tenants or lessees or other direct or indirect users of our Services	12 years from the end of lease, licence, AST or other deed
AML Information	5 years from either the end of the contract or the date you last used our Services
Personal data held on marketing or business development records	3 years from the last date on which you have interacted with us

5.2 Personal data contained on our property related records (including but not limited to leases and ASTs) may be kept for 20 years or more, if we consider the retention of the relevant information is necessary to record, establish or defend particular rights, obligations or restrictions in respect of that property.

- 5.3 For any category of personal data not specifically defined in this notice, and unless otherwise specified by applicable law, the required retention period for any personal data will be deemed to be 7 years from the date of receipt by us of that data or (if later) the end of the relevant contract, arrangement or interaction with that person.
- 5.4 The retention periods stated in this notice can be prolonged or shortened as may be required (for example, in the event that legal proceedings apply to the data or if there is an on-going investigation into the data).
- 5.5 We review the personal data (and the categories of personal data) we are holding on a regular basis to ensure the data we are holding is still relevant to our business and is accurate. If we discover that certain data we are holding is no longer necessary or accurate, we will take reasonable steps to correct or delete this data as may be required.
- 5.6 If you wish to request that data we hold about you is amended or deleted, please see clause 9 below, which explains your privacy rights.

6. Sharing your information

- 6.1 Credit and debit card information will be provided to our payment processing partner. We will collect this information from you over the phone or by email and supply this information to our payment processing partner who will process this credit or debit card information.
- 6.2 Our payment processing partner will have their own privacy policies and notices. But we will take steps to ensure that they are compliant with applicable data protection legislation and we will consult with them in relation to maintaining the security of payment information.
- 6.3 We do not disclose any personal data you provide to any third parties other than as follows:
- 6.3.1 where you have asked us to share your information with a third party as part of the performance of a contract between us or as part of the performance of our Services generally;
 - 6.3.2 certain third party suppliers including technical support providers may have access to personal data;
 - 6.3.3 if we are under a duty to disclose or share your personal data in order to comply with any legal obligation (for example, if required to do so by a court order or for the purposes of prevention of fraud or other crime);
 - 6.3.4 in order to enforce any terms and conditions or agreements for our Services that may apply;
 - 6.3.5 we may transfer your personal information to a third party as part of a sale of some or all of our business and assets to any third party or as part of any business restructuring or reorganisation, but we will take steps with the aim of ensuring that your privacy rights continue to be protected;
 - 6.3.6 to protect our rights, property and safety, or the rights, property and safety of our users or any other third parties. This includes exchanging

information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

- 6.4 Other than as set out above, we shall not disclose any of your personal information unless you give us permission to do so. If we do supply your personal information to a third party we will take steps to ensure that your privacy rights are protected and that third party complies with the terms of this notice.

7. Email and Other Communications

- 7.1 If you have engaged our Services with us we may from time to time contact you about similar services. We may also contact you with information about our Services if you have expressly consented to receive such communications (e.g. by signing up to our newsletter) or if you are a business customer.

- 7.2 When we send marketing emails and other electronic communications we will comply with applicable regulations including the Privacy and Electronic Communications Regulations 2003. In particular we will identify the nature of the message and the sender clearly and you will have an opportunity to opt out of receiving any further communications from us.

8. Security

- 8.1 We will take all reasonable steps to ensure that appropriate technical and organisational measures are carried out in order to safeguard the information we collect from you and protect against unlawful access and accidental loss or damage. These measures may include (as necessary):

8.1.1 compliance with our internal IT security procedures;

8.1.2 protecting our servers by both hardware and software firewalls;

8.1.3 locating our data processing storage facilities in secure locations;

8.1.4 when necessary, disposing of or deleting your data so it is done so securely; and

8.1.5 regularly backing up and encrypting all data we hold.

- 8.2 We will ensure that our employees are aware of their privacy and data security obligations. We will take reasonable steps to ensure that the employees of third parties working on our behalf are aware of their privacy and data security obligations.

- 8.3 This notice and our procedures for handling personal data will be reviewed as necessary.

- 8.4 Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted by you to us by email. Once we have received your information, we will use the procedures and security features referred to in this notice to try to prevent unauthorised access.

9. Your privacy rights

9.1 The GDPR gives you the following rights in respect of personal data we hold about you:

<i>The right to be informed</i>	You have a right to know about our personal data protection and data processing activities, details of which are contained in this notice.
<i>The right of access</i>	You can make what is known as a Subject Access Request (“SAR”) to request information about the personal data we hold about you (free of charge, save for reasonable expenses for repeat requests). If you wish to make a SAR please contact us as described below.
<i>The right to correction</i>	<p>Please inform us if information we hold about you is incomplete or inaccurate in any way and we will update our records as soon as possible, but in any event within one month.</p> <p>We will take reasonable steps to communicate the change to any third parties to whom we have passed the same information.</p>
<i>The right to erasure (the ‘right to be forgotten’)</i>	<p>Please notify us if you no longer wish us to hold personal data about you (although in practice it is not possible to provide our services without holding your personal data). Unless we have reasonable grounds to refuse the erasure, on receipt of such a request we will securely delete the personal data in question within one month. The data may continue to exist in certain backup, but we will take steps to ensure that it will not be accessible.</p> <p>We will communicate the erasure to any third parties to whom we have passed the same information.</p>
<i>The right to restrict processing</i>	You can request that we no longer process your personal data in certain ways, whilst not requiring us to delete the same data.
<i>The right to data portability</i>	You have right to receive copies of personal data we hold about you in a commonly used and easily storable format (please let us know a format which suits you). You may also request that we transfer your personal data directly to third party (where technically possible).
<i>The right to object</i>	Unless we have overriding legitimate grounds for such processing, you may object to us using your personal data if you feel your fundamental rights and freedoms are impacted. You may also object if we use your personal data for direct marketing purposes (including profiling) or for research or statistical purposes. Please notify your objection to us and we will gladly cease

	such processing, unless we have overriding legitimate grounds.
<i>Right to withdraw consent</i>	If we are relying on your consent as the basis on which we are processing your personal data, you have the right to withdraw your consent at any time. Even if you have not expressly given your consent to our processing, you also have the right to object (see above).

9.2 All subject access requests and other requests or notifications in respect of your above rights must be sent to us in writing to Duncan MacLaren by email at: duncan@maclarenpartners.co.uk or by post to: MacLaren & Partners, Suite 4, 56 Queen Anne Street, London W1G 8LA.

9.3 We will endeavour to comply with such requests as soon as possible but in any event we will comply within one month of receipt (unless a longer period of time to respond is reasonable by virtue of the complexity or number of your requests).

10. Data Breaches

10.1 If personal data we hold about you is subject to a breach or unauthorised disclosure or access, we will report this to the Information Commissioner's Office (ICO).

10.2 If a breach is likely to result in a risk to your data rights and freedoms, we will notify you as soon as possible.

11. Transferring your information outside UK or Europe

11.1 As part of the Services provided to you the information you provide to us may be transferred to, processed and stored at, countries or international organisations outside of the UK and EEA ("European Area").

11.2 We may use third party organisations who are outside of the European Area and in those circumstances personal data will be transferred outside of the European Area (for instance where our services are provided online and we use third party survey organisations, portal providers or virtual meeting hosts).

11.3 We will not transfer any data in a systematic way outside of the EEA but there may be circumstances in which certain personal information is transferred outside of the European Area, in particular:

11.3.1 if you are a client and you live outside of the European Area, we may communicate with you as part of delivering our Services and such communications may include personal information (such as Contact Information or Payment Information);

11.3.2 we may communicate with individuals or organisations outside of the European Area in delivering our Services, and those communications may include personal information (such as Contact Information);

- 11.3.3 we may have certain third party service suppliers who are based outside the European Area or who store data outside of the European Area;
 - 11.3.4 if you communicate with us while you are outside of the European Area there may be some data transfer to you or your device;
 - 11.3.5 from time to time your information may be stored in devices which are used by our staff outside of the European Area.
- 11.4 If we transfer your information outside of the European Area in a systematic way, and the third country or international organisation in question has not been deemed by the EU Commission or Secretary of State (as the case may be) to have adequate data protection laws, we will provide appropriate safeguards and your privacy rights will continue to be enforceable against us as outlined in this notice.

12. Notification of changes to the contents of this notice

This notice may be updated from time to time and you should check this page regularly for any updates. Changes to this notice are effective when they are posted on this page.

13. Contact us

- 13.1 If at any time you would like to contact us with your views about our privacy practices, or with any enquiry or complaint relating to your personal information or how it is handled, you can do so by contacting Duncan MacLaren by email at: duncan@maclarenpartners.co.uk or by post to: MacLaren & Partners, Suite 4, 56 Queen Anne Street, London W1G 8LA, or by telephone on 020 7317 3131.
- 13.2 If we are unable to resolve any issues you may have or you would like to make a further complaint, you can contact the Information Commissioner's Office by visiting <http://www.ico.org.uk/> for further assistance.