



# PRIVACY POLICY





## **PRIVACY NOTICE**

This privacy notice details Element Properties & Co's privacy policy relating to personal information that we collect, create, use and share when you are using our services or looking for employment with us. It explains what personal data we hold, what we do with that data and how long we keep it for. Your privacy is important to us, and we are committed to protecting and safeguarding your data privacy rights.

## **LAST UPDATED**

This privacy notice was last updated on the 12<sup>th</sup> February 2020.

We will update this Notice from time to time and you should review it whenever you visit our website or before providing us with any personal data about yourself.

## **WHO ARE WE?**

Element properties & Co. is a trading name for Element Properties Alexandra Park Ltd. Element Properties & Co. is an Estate & Letting agent with a branch in Alexandra Park which has been Selling, Letting & Managing properties since 2016.

For the purpose of the General Data Protection Regulation (Regulation (EU) 2016/679) ("the GDPR"), Element Properties & Co. is a data controller in respect of any personal data we collect.

## **HOW WE COLLECT YOUR PERSONAL DATA**

We will only collect and use your personal data where we have legitimate business reasons to do so. We may obtain personal data from you to provide you a service or when we provide a service to one of our clients, when you contact us or visit our offices, including when you call us, get in touch with us via our website, or when you or your organisation correspond with us using any means of communication. This includes personal data provided to us:

- in regards to services we provide;
- when you contact us in response to a property you've seen online;
- when you provide us with personal contact information by filling in a form on our website,
- when you contact us to book a viewing for a property;
- via live webchat;
- when you contact us with a question or enquiry via our website or by calling our office;
- when you contact us about employment with Element Properties & Co;
- when you enter into a contract as a Landlord or Tenant;
- when you deal with us when we are providing services to one of our clients;
- when we receive referrals from other candidates, clients or suppliers;
- when you make a complaint;
- when you deal with us in order to provide us with goods or services;
- when you contact us about employment with Element Properties & Co;
- during the course of your employment with Element Properties & Co;
- when staff give us your details as an emergency contact; or
- when job applicants give us your details as a referee.

We may also collect your data when we search websites where you have posted your data to be found in relation to business opportunities. We will of course let you know at the earliest opportunity when we have gathered your data in this manner.

## **THE PERSONAL DATA WE COLLECT**



We collect personal data in order to provide the best possible service we can and to maintain good relationships. We only collect the data we need or are contracted to hold and we will ensure we have appropriate physical and technological security measures to protect your personal data.

For clients using our services or suppliers whose services we use, depending on the relevant circumstances and applicable local laws and requirements, we may collect some or all of the following information: name, title, email address, postal address, telephone numbers and other contact numbers, nationality, country of birth, place of birth, proof of identification, passport details, bank details, financial details and proof of address. We may also hold extra information that someone in your organisation has chosen to tell us, where we have a good reason to hold it.

For employees or candidates applying for a job with Element Properties & Co, depending on the relevant circumstances and applicable local laws and requirements, we may collect some or all of the following information: name, title, date of birth, gender, marital status, photograph, email address, postal address, telephone numbers, education details, employment history, emergency contacts and details of any dependants, referee details, immigration/visa status (whether you need a work permit), nationality/citizenship/place of birth, a copy of your driving licence and/or passport/identity card, financial information (where we need to carry out financial background checks), social security number (or equivalent in your country) and any other tax-related information, diversity information possibly including racial or ethnic origin, religious or other similar beliefs, and physical or mental health, including disability-related information, details of any criminal convictions if this is required for a role that you are interested in applying for, details about your current remuneration, pensions and benefits arrangements, information on your interests, needs regarding future employment and any extra information that you or your referees choose to tell us. We may also hold information about interviews you have attended, and any relevant feedback and information gained from appraisals. We may also hold limited health information where you have made us aware or where you have told us to justify an absence.

#### **WHAT WE USE YOUR INFORMATION FOR:**

Element Properties & Co. collects and processes your personal data for legitimate Business and Human Resource purposes including:

- to build a profile in order to understand your requirements and personalise the properties and services we offer you;
- to enable us to complete a transaction with you, such as buying, selling, renting or letting a property through us;
- for verifying your identity for security purposes;
- to assess your creditworthiness (in the case of buying or renting a property) and to prevent fraud;
- processing instructions from clients;
- processing invoices to our clients for services provided;
- in connection with legal and dispute management;
- for compliance with legal, regulatory and tax reporting obligations;
- releasing your personal information to regulatory or law enforcement agencies, if they require us to do so by law for the prevention, detection and investigation of crimes;
- to market our related products and services directly to you, and advise you of any relevant updates to our services. Where we do so you will be able to unsubscribe at any time from receiving any further communications from us;
- internal record-keeping;
- for payroll purposes;
- contacting you in an emergency involving a member of staff; or
- contacting you in order to take up a reference.
- We may use your personal data if it is necessary for the formation or performance of a contract, for the fulfilment of statutory or other legal obligations, or where we deem it to be necessary for our legitimate interests or for mutually beneficial legitimate interests. Our legitimate interests are explained a little further down this notice.

#### **SHARING YOUR PERSONAL DATA**



Where appropriate and in accordance with local laws and requirements, we may share your personal data with:

- third parties for lettings including but not limited to tenant referencing agencies, landlords, contractors and property maintenance services, gas and electrical contractors, utility companies and insurance providers;
- Just Move In will receive and is also a controller of users' Personal Data necessary for the provision of the Home Setup Service.
- third parties including but not limited to solicitors, conveyancers, surveyors, contractors and property maintenance services;
- tax, audit, or other authorities, when we believe in good faith that the law or other regulation requires us to share this data;
- third party service providers who perform functions on our behalf including external consultants, business associates and professional advisers such as lawyers, auditors and accountants, debt collection agencies, technical support functions and IT consultants carrying out testing and development work on our business technology systems;
- third party outsourced IT and document storage providers where we have an appropriate processing agreement or similar protections in place;
- individuals and organisations who hold information related to your reference; or
- individuals and organisations who hold information related to your application to work with us, such as current, past or prospective employers, educators and examining bodies and employment and recruitment agencies;

If Element Properties & Co. merges with or is acquired by another business or company in the future, (or is in meaningful discussions about such a possibility) we may share your personal data with the (prospective) new owners of the business or company, subject to appropriate assurances as to the protection of your data privacy.

## YOUR RIGHTS

You have individual rights under the GDPR. You can exercise any of these rights by contacting us using our contact details at the end of this notice or by any other means. Your rights are listed and explained below. You have:

1. **The right to be informed** – you have the right to be informed of what we do with your data which is detailed in this privacy notice;
2. **The right of access** – you have the right to ask us to confirm what information we hold about you. You can exercise this right by submitting a Data Subject Access Request. We may ask you to verify your identity and for more information about your request. We will respond to any request to access your data within one month.
3. **The right to rectification** – you have the right to update your data if you think it's incorrect. We may ask you to verify your identity and for more information about your request.
4. **The right to erasure** – You have the right to have your personal data deleted (right to be forgotten). We will make every reasonable effort to remove your personal data however this may not always be possible if we need to retain your data for purposes of billing or if there are legal requirements for us to keep your data. We may ask you to verify your identity and for more information about your request. We will respond to any request to delete your data within one month and let you know the outcome of your request.
5. **The right to restrict processing** – you have the right to ask us to stop processing your data. Where consent has been given to process your data, you can withdraw that consent at any time by contacting us using the details at the bottom of this notice. You can raise any concerns to the processing or use of your personal data by us either to us or to the appropriate data protection authority.
6. **The right to data portability** – you have the right to have the personal data you have given us transferred to another company and we will make every reasonable effort to comply with your request
7. **The right to object** – you have the right to object to us processing your personal data where we do so under legitimate interests or to enable us to perform a task in the public interest or exercise official authority or to send you direct marketing materials or for scientific, historical, research or



statistical purposes. The "legitimate interests" and "direct marketing" categories above are the ones most likely to apply to our Candidates, Clients and Suppliers. If your objection relates to us processing your personal data because we deem it necessary for your legitimate interests, we must act on your objection by ceasing the activity in question unless we can show that we have compelling legitimate grounds for processing which overrides your interests or we are processing your data for the establishment, exercise or defence of a legal claim.

- 8. Rights in relation to automated decision making and profiling** – Automated individual decision-making is a decision made by automated means without any human involvement like a recruitment aptitude test which uses pre-programmed algorithms and criteria. We do not use any automated decision making tools. Profiling is where we use the information we have on you to classify you into different groups or sectors, using algorithms and machine-learning. This analysis identifies links between different behaviours and characteristics to create profiles for individuals. We do not use any profiling techniques. However, if you think we are doing so you have the right to ask us to explain and to ask us to stop doing so.

## **TRANSFER OF DATA OUTSIDE THE EU**

Normally your data will not be transferred to a country or territory outside the EU unless we need to provide our services to you and that country or territory ensures an adequate level of protection or the appropriate safeguards are in place to guard your rights and freedoms. If for any extraordinary reason we need to transfer your personal data to countries without adequate data protection laws we will seek your consent to do so.

## **RETENTION**

It is our policy only to keep records of your personal data for as long as required under the legal obligations deemed relevant by our relationship with you or as required by relevant authorities or other legislation, whichever requirement is longer, after which it will be erased from our systems and any paperwork will be destroyed.

Our retention policies are currently as follows:

- if you, as a Vendor, Buyer, Landlord or Tenant, have contacted us about our services we will keep your data for two years;
- if you, as a Vendor, Buyer, Landlord or Tenant, have completed a transaction with us, we may, for regulatory reasons or to settle a dispute, keep your data for six years after the end of your engagement with us;
- if we have your details because there is a potential to have a business relationship with you we will keep your details for two years;
- If we have used your services or we have engaged you in a professional relationship, we may, for regulatory reasons or to settle a dispute, keep your data for six years;
- if you have contacted us via our website or sent us an email and we do not engage in a professional relationship with you, we will destroy your data after two years or sooner.
- If we are recruiting and you send us your CV or if we are not currently recruiting but are interested in your profile we may keep your CV and personal details for a period of one year;
- if we hold your details as an employer then we will keep your details for 6 years after termination of employment due to satisfy regulatory obligations.

## **LEGITIMATE INTERESTS**

The GDPR states (in Article 6(1)(f)) that we can process your data where it is necessary for the purposes of the legitimate interests pursued by us except where such interests are overridden by your interests or fundamental rights or freedoms.

Our legitimate interests explained – Element Properties & Co. believes it's reasonable to expect that if we have had a professional relationship with you in the past and we think you could benefit from our services or you have posted your personal details or information on a job websites or we have your details in relation to a service you offer or we have been given your name as an emergency contact or



as a referee, you are happy for us to use your personal data to contact you for a relevant reason. If you don't want any further contact with us you can ask us to stop by contacting us using the details at the end of this Privacy Notice.

## **COOKIES**

When someone visits our website we use a third party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. We do this to find out things such as the number of visitors to the various parts of the site. This information is only processed in a way which does not identify anyone. We do not make, and do not allow Google to make, any attempt to find out the identities of those visiting our website. We do not collect personally identifiable information through our website, we will be up front about this. We will make it clear when we collect personal information and will explain what we intend to do with it.

You can use your browser settings to accept or reject new Cookies and to delete existing Cookies. You can also set your browser to notify you each time new Cookies are placed on your computer or other device. You can find more detailed information about how you can manage Cookies at the [All About Cookies](#) and [Your Online Choices](#) websites.

By using this website, you declare that you understand the processing of data collected about you by Google in the manner described above, and for the purposes described above. You can counteract the saving and collection of data with a plugin for your browser [here](#).

## **SECURITY**

We are committed to ensuring that your information is secure. In order to prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect. Our services are on servers located in a secure location in our offices or hosted from datacentres within the EU which are ISO27001 certified.

## **LINKS TO OTHER WEBSITES AND SOCIAL MEDIA**

Our website may contain links to other websites of interest. However, once you have used these links to leave our site, you should note that we do not have any control over that other website. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this privacy notice. You should exercise caution and look at the privacy notice applicable to the website in question.

## **CONTACT US**

To exercise any relevant rights, queries or complaints please contact us via a method shown on our web page or by one of the following means:

**By Phone:** +44 (0)20 8057 0777

**By Post:**  
Element Properties & Co.  
26 Palace Gates Road,  
London  
N22 7BN

**By Email:** [cos@elementproperties.co.uk](mailto:cos@elementproperties.co.uk)

### **Contact your local supervisory authority**

If you wish to make a complaint, then you can contact your local supervisory authority. If you are in the UK, your local Supervisory Authority is the Information Commissioners Office (ICO) who can be contact in the following ways:

**By Phone:** +44 (0)303 123 1113



**By post:**

Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Other contact options can be found on the ICO website at <https://ico.org.uk/global/contact-us/>  
Supervisory Authorities for other countries can be found on the European Commissioners website  
at [https://ec.europa.eu/info/index\\_en](https://ec.europa.eu/info/index_en)

