



## **General Data Protection Regulation (GDPR) (EU) 2016/679 Privacy Notice**

[ This document, or statement, was last updated on 12<sup>th</sup> December 2019]

There was already the Data Protection Act in the UK but on 25<sup>th</sup> May 2018 the EU's GDPR provisions became directly applicable in all member states including the UK, two years after the regulations were established in law.

As a result, from May 25<sup>th</sup> 2018, the General Data Protection Regulation (GDPR) formed the new standard by which all companies within member states of the EU (including the UK at the time of writing this statement), both large and small, are required to deal with any personal information.

The GDPR replaced the Data Protection Act and introduced several significant new rights for various people/parties under certain circumstances.

### **WHO WE ARE**

We are Eaglecrest Services Limited (hereafter "Eaglecrest"), registered at Companies House (Cardiff) on 16<sup>th</sup> February 1998, Company number 3510759.

Our registered address is:

Eaglecrest, % Attwells Solicitors LLP  
88 St Johns Wood High Street  
London NW8 7SH

but please note that in general, and always in the first instance, ***we prefer all correspondence to be sent to us by email*** (electronic mail) to:

[Barry@VeryReasonable.com](mailto:Barry@VeryReasonable.com) and/or [Fern@VeryReasonable.com](mailto:Fern@VeryReasonable.com)

In this information statement, 'we', 'us', 'our' or 'ours' refers to Eaglecrest unless otherwise stated.

The terms 'you', 'your' and 'yours' means any tenant of ours, or prospective tenant or former tenant, or contractor (in relation to whom the GDPR might apply) or supplier or business partner.

The term 'tenancy' can mean a prospective tenancy or former tenancy as well as a current tenancy.

As a small company we are also necessarily the Data Controller for the purposes of the GDPR in connection with all data we hold.

### **PRIVACY STATEMENT**

We are committed to the privacy and confidentiality of the information provided by you to us. This Privacy statement describes how Eaglecrest collects, stores and uses personal information.

We have a legal duty to protect any information that we collect from you, or about you. We use appropriate technologies and procedures to safeguard your details and keep to strict security standards to prevent unauthorised access of it and/or to it.

Please note that by submitting Personal Information or Data manually or in electronic form to us, or to our Agent for onward transmission to us, you give your consent (where such consent is needed or required – please see below) that all your Personal Information or Data submitted (directly or indirectly) to us may be processed by us and/or shared with any Agent we may work

with as well as with any utility company, local council or statutory body, in the manner and for the purpose(s) described in this Privacy Notice.

The terms of this statement may change, so please check it from time to time.

## **INFORMATION WE PROCESS**

You should understand that information you provide, have provided and may provide in future will be processed by us, in compliance with both GDPR and UK data privacy laws, for the purposes of managing and administering your tenancy, managing and maintaining property, liaising with various organisations (as listed and/or specified elsewhere in this Privacy Notice) in connection with your tenancy and/or the property, investigating and preventing actual or suspected fraud and also for responding to complaints.

## **PERSONAL AND SENSITIVE PERSONAL INFORMATION**

Information we process may be defined as personal and/or sensitive personal information.

Personal information is information that can be used to identify a living individual, e.g. a name, address, former addresses, date of birth, driving licence, passport or national insurance number.

Personal information is also information that can identify an individual through a work function or their title.

In addition, personal information may contain sensitive personal information; for example, this can be information about your financial history (including, for example, rental payment history and payment history for council tax, telephone or internet services in connection with the property or any utility bills or services in connection with the property) and/or any civil proceedings in relation to evictions or breaches of your tenancy agreement and/or criminal convictions.

We will not use personal and/or sensitive personal information except for the specific purpose for which you (or our Agent or a Service Provider such as a utility company) provide it and for the purposes and uses and provision of services as set out within this notice.

## **COLLECTING ELECTRONIC INFORMATION**

If you contact us via an electronic method, we might record your electronic identifiers, such as your:

- Mobile or work telephone numbers
- email address
- Twitter handle
- Facebook profile
- etc

The above list is not intended to be definitive, as methods used to contact us will change over time and technologies will be introduced, change or fall out of favour.

Although not generally of interest to us we might from time to time record any internet protocol (IP) address that you contact us from or via.

Your telephone company may also provide us with your telephone number.

## **HOW WE USE YOUR INFORMATION**

Your personal and/or sensitive personal information may be used by us in a number of ways, including (but not limited to) to:

- considering your application to become a tenant;
- managing and/or administering your tenancy;

- managing and/or maintaining our property;
- investigating, processing and/or managing complaints; and/or
- investigating and/or preventing suspected or actual fraud.

For the avoidance of doubt, personal and sensitive data relevant to your tenancy CAN be made available to ANY party with financial or other interest in the property and/or any service or tax in connection with the property or your tenancy.

For your assurance we can confirm that we will NEVER use any of your personal and/or sensitive personal information for any marketing purpose whatsoever unless we had explicitly advised you of it in advance and you had chosen to give us your consent for that purpose.

## **WHO WE SHARE YOUR INFORMATION WITH**

We may pass your personal and/or sensitive personal information to relevant third parties, including (but not limited to) insurers; regulators; authorised agents; service providers; legal advisers; loss adjusters; advisors and other parties acting for you.

We may also share your personal and/or sensitive personal information with law enforcement, fraud detection, tenant referencing, credit reference and debt collection agencies, utility companies, local authorities, and with industry-related third parties to:

- provide references;
- assess financial risks;
- recover debt; and/or
- prevent and detect crime.

We may also share your personal (but not sensitive) data with other relevant parties including (but not limited to) surveyors and contractors carrying out inspections and/or maintenance on the property you are renting from us to allow the normal and smooth operation of your tenancy and our management and maintenance of the property. Examples may include (but are not limited to):

- Confirmation that your rental payment has (or has not) been successfully received
- Provision of your contact details (including telephone numbers, email and postal addresses), perhaps to allow access to be arranged for maintenance or an inspection or viewing of the property
- Provision of a copy of your tenancy documentation

Typical examples of such data sharing may also include providing such details to, about or between:

- Freeholder(s) and leaseholder(s)
- Landlord(s) and tenant(s) of neighbouring properties
- Leaseholder(s) and nominated representatives of a Residential Management Company or Residents' Association
- Landlords or their agents or appointed representatives who might be considering offering you a new tenancy for a property not belonging to us

## **WHY IT IS NECESSARY TO SHARE INFORMATION**

Landlords such as us share data for many reasons, for example including to:

- Provide references about you to other landlords or their agents;
- Assist utility companies in managing utility accounts in connection with the property;
- Allow neighbour(s) to contact you directly if they have a complaint about noise or items being left in a communal hallway or stairwell;
- act as a basis for investigations when we suspect that fraud is being attempted; and/or
- respond to requests for information from law enforcement agencies.

## SINGLE AND JOINT TENANCIES

If you are renting, or proposing to rent or have rented, a property from us and are one of two or more Joint and Several tenants then we may need to share both your Personal Information and from time to time your Sensitive Personal Information with one or more of your co-tenants, for example to:

- Advise them of rental arrears, damage to the property, or potential fraud, for which they may also be liable.
- Advise them of complaints from neighbours.
- Liaise in connection with access for maintenance, end of tenancy and other matters.

## TRANSFERRING INFORMATION OUTSIDE THE EUROPEAN ECONOMIC AREA

In providing tenancy and property services, we may transfer your personal and/or sensitive personal information to other countries including countries outside the European Economic Area ('EEA').

If this happens we will ensure that appropriate measures are taken to safeguard your personal and/or sensitive personal information.

Please note that we currently use a secure 'cloud based' service to backup most of our data. Those data backups can include your Personal Information and also your Sensitive Personal Information.

The service we currently use is provided by a company called iDrive, who are based in the USA. All of the data that is backed up in this way is firstly encrypted 'locally', i.e. on our own computer(s) before transmission, and then remains fully encrypted at all times while on the iDrive servers and/or computers.

The 'key' required to encrypt and/or decrypt the data is known only to us and is not known by iDrive or any of its employees or agents and so it is not possible for anyone at iDrive to access this data. Furthermore, no 'processing' of the data (within the meanings used by the GDPR) takes place outside the EEA and the data, in encrypted form, is only stored on iDrive's computers or servers for our backup and recovery purposes.

Although not required in the case of our data (as it is securely encrypted, not accessible and not processed outside the EEA on the iDrive servers/computers), iDrive themselves do comply with the GDPR. For further information please visit [www.idrive.com/gdpr/](http://www.idrive.com/gdpr/) you can also read their more general privacy statement at [www.idrive.com/privacy/](http://www.idrive.com/privacy/)

## ACCESS TO YOUR INFORMATION

You have a right to know what personal and/or sensitive personal information we hold about you. If you would like to know what information we hold, please contact us by email at one of the two email addresses listed within this notice, stating the reason for your enquiry. We may write back requesting you to confirm your identity. No charge will be made for processing your enquiry.

If we do hold information about you, we will:

- give you a description of it;
- tell you why we are holding it;
- tell you who it could be disclosed to; and
- let you have a copy of the information in an intelligible form.

If some of your information is inaccurate, you can ask us to correct it.

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## PROVIDING CONSENT TO STORE AND PROCESS YOUR INFORMATION

By providing us with your personal and/or sensitive personal information, you consent to your information being used, processed, disclosed, transferred and retained for the purposes set out within this notice.

Notwithstanding that you have anyhow given your consent, we do not in general require that consent to process your personal and/or sensitive personal information as it is necessary for us to do so for the performance of your tenancy which is a contract between you and us.

There are also certain legal requirements for us to hold your personal and/or sensitive personal information and this provides a further lawful basis for us to process the information.

We have a number of other legitimate interests in processing your personal and/or sensitive personal information and also in disclosing it from time to time to relevant third parties on a lawful basis. Examples (some of which have already been mentioned) include:

- passing the names of new tenants to utility companies
- seeing references which were provided to our letting and/or managing agents
- disclosing details of a tenant who has left leaving rent arrears to a tracing agent or debt collector to help them recover money owed
- passing on forwarding addresses of former tenants to utility companies
- providing tenant's contact details to repairers in work needs to be carried out
- using CCTV to monitor communal areas (but only where there is appropriate signage warning occupants of the CCTV)
- notifying other joint tenants of any rent arrears owed by another tenant
- informing the guarantor where the tenant has failed to pay rent

This could also include disclosure of certain information to outside agencies by us, such as for credit checks for example.

If you supply us with personal information and/or sensitive personal information of other people, please ensure that you show this notice to those other people.

In view of the above, and following careful review and advice we have taken, we are pleased to confirm that ***YOU DO NOT NEED TO DO ANYTHING OR TAKE ANY ACTION in order to allow us to process your data (whether Personal Information or Sensitive Personal Information) for the purposes and uses set out in this Privacy notice.***

## DATA RETENTION PERIODS

The length of time for which we will hold your data is determined by what is reasonable necessary according to the relationship we had with you.

If your tenancy ended normally and good terms then we will aim to delete all of your personal information and/or sensitive personal information from our 'live' systems within five years of your tenancy ending.

If there were any irregularities with your tenancy, suspected or actual fraud, or if it proved necessary to start an eviction process (and whether or not court action was required), then we will retain your personal information and/or sensitive personal information up to ten years.

## CHANGES TO THIS NOTICE

We keep our GDPR Privacy Notice under regular review.

This notice was last updated on the 12<sup>th</sup> December 2019 and supersedes all prior versions.