

We are **Emsleys Estate Agents Limited** with registered number **08699665** and address **Colton Mill, Bullerthorpe Lane, Leeds, LS15 9JN** (telephone: 0113 284 0120). Our Data Protection Lead can be contacted at [directors@emsleysestateagents.co.uk](mailto:directors@emsleysestateagents.co.uk). We have produced this privacy notice in order to keep you informed of how we handle your personal data. All handling of your personal data is done in compliance with the Data Protection Act 2018 and the UK GDPR ("Data Protection Legislation"). The terms "Personal Data", "Special Categories of Personal Data", "Personal Data Breach", "Data Protection Officer", "Data Controller", "Data Processor", "Data Subject" and "process" (in the context of usage of Personal Data) shall have the meanings given to them in the Data Protection Legislation. "Data Protection Lead" is the title given to the member of staff leading our data protection compliance programme in lieu of a requirement for a Data Protection Officer. Further information may be obtained on the ICO website.

### **What information we collect, use and why**

Personal data means any information relating to an identified or identifiable natural person. We collect, use, store and transfer different types of personal data depending on who you are (for example, a client, customer, or job applicant).

The types of data we collect to provide our sales or lettings services and associated activities may include: name, addresses, gender, pronoun preference, occupation, date of birth, photo ID, third party information (such as family members or other relevant parties), payment details, financial data (including income and expenditure), usage data (how you use our website), IP address, employment details, credit history, health information, criminal records data, information relating to compliments or complaints, records of meetings, marketing preferences. If required by law, we will collect ID documentation including biometric data. For recruitment purposes, we may also collect National Insurance number; employment and education history, right to work information, DBS checks, health information.

"Sensitive Personal Information" includes information about your racial or ethnic origin, philosophical or religious beliefs, physical or mental health or condition, sexual life or orientation, or information about criminal convictions. In certain circumstances, you may also provide us with such Sensitive Personal Information, for example if you have disability related requirements.

### **How we collect your data**

We get personal information from you, third parties such as other property agents, legal bodies or professionals (e.g. solicitors), publicly available sources, previous employment, credit reference agencies, providers of marketing lists and from cookies on our website (see below). This website is not intended for children and we do not knowingly collect personal data from children.

### **What are your rights?**

Under Data Protection Legislation your rights include:

- The right to be informed of how your Personal Data is used (through this notice);
- The right to access any personal data held about you (see below);

- The right to withdraw consent at any time, by emailing [directors@emsleysestateagents.co.uk](mailto:directors@emsleysestateagents.co.uk);
- The right to rectify any inaccurate or incomplete personal data held about you – we will need to verify the accuracy of new information provided to us;
- The right to erasure where it cannot be justified that the information held satisfies any of the criteria outlined in this policy, or where you have withdrawn consent;
- The right to prevent processing for direct marketing purposes, scientific/historical research or in any such way that is likely to cause substantial damage to you or another, including through profile building; and
- The right to object to processing that results in decisions being made about you by automated processes and prevent those decisions being enacted.

You can exercise your right to access personal data held about you by contacting [directors@emsleysestateagents.co.uk](mailto:directors@emsleysestateagents.co.uk) with the subject line: "Subject Access Request" or writing to Emsleys Estate Agents Limited at Colton Mill, Bullerthorpe Lane, Leeds, LS15 9JN. When you submit a 'subject access request', you will need to provide confirmation of your identity by including a photocopy of your driver's license or passport. Our response is provided free of charge and will be made within thirty (30) days, unless our Data Protection Lead deems your request as being excessive or unfounded. If this is the case, we will inform you of our reasonable administration costs in advance and/or any associated delays, giving you the opportunity to choose whether you would like to pursue your request. If you believe we have made a mistake in evaluating your request, please see the section 'Who can you complain to?' Please note that we will keep a record of the fact you made a request to exercise your rights, and our response to your request, in order to demonstrate compliance with our data protection obligations and so that we can handle any queries or complaints in relation to your request. This record will be kept in accordance with our retention policies.

If you have questions about any of the rights mentioned in this section, please contact our Data Protection Lead at [directors@emsleysestateagents.co.uk](mailto:directors@emsleysestateagents.co.uk).

### **Who is the Data Controller?**

- If we have collected your personal data directly from you for our own purposes, we are the Data Controller.
- If we have been passed your personal data from a third-party for our own purposes, we are a Data Controller. We will contact you to let you know before we first start to use it, or, at the latest, within one month of acquiring it.
- If your data has been passed to us by a third party for processing under their instruction, that third party is the Data Controller. They should have notified you that they would be passing your personal data to us, **Emsleys Estate Agents Limited**, at the time they collected your data and within their own privacy notices/standards. For a list of Data Controllers that we process personal data for, the section below 'Third Party Interests'.
- If we have received your personal data as part of a business to business relationship, the Data Controller is your employer.

### **What are the lawful bases for processing personal data?**

Under Data Protection Legislation, there must be a 'lawful basis' for the use of personal data. The lawful bases are :

- 'your consent';
- 'performance of a contract';

- 'compliance with a legal obligation';
- 'protection of your, or another's vital interests';
- 'public interest/official authority';
- 'our legitimate interests'.

### **What are our 'legitimate interests'?**

Legitimate interests are a flexible basis upon which the law permits the processing of an individual's personal data because it benefits you, our organisation or someone else, without causing an undue risk of harm to anyone. The balancing or risk is performed as objectively as possible by our Data Protection Lead.

### **About our processing of your data**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- Identity Data includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- Contact Data includes billing address, delivery address, email address and telephone numbers.
- Financial Data includes bank account and payment card details.
- Transaction Data includes details about payments to and from you and other details of products and services you have purchased from us.
- Technical Data includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- Profile Data includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- Usage Data includes information about how you use our website, products and services.

Marketing and Communications Data includes your preferences in receiving marketing from us and our third parties and your communication preferences. We also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

Where appropriate we use Artificial Intelligence (AI) tools to enhance the quality and efficient of the services we provide, for example, analysing data and administration. We use AI based tools where we have assessed that information will remain confidential and secure. We are committed to principles of fair and responsible use of AI within our business.

If we sell any part of our business and/or integrate it with another organisation we may share information with our advisers and prospective purchasers. If this occurs, the new owners of the business will only be allowed to use your information in the same or similar way as set out in this privacy notice.

<i>Reference</i>	<i>What categories of information about you do we process?</i>	<i>Why are we processing your data?</i>	<i>Where did we get your personal data from?</i>
Buying / Selling/ Letting/ Renting	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> </ul>	We will collect information to contact you regarding viewings and applications. We may need to share information with third parties such as landlords, management companies, solicitors, developers, joint or multi-agents.	Directly obtained from clients or third parties
B2B Marketing	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Transaction Data</li> <li>• Marketing and Communications Data</li> </ul>	Direct marketing to former, current and prospective clients. This processing is conducted lawfully on the basis of 'our legitimate interests'.	Directly obtained or by referral from existing clients/partners/suppliers.
Analytics	<ul style="list-style-type: none"> <li>• Technical Data</li> <li>• Usage Data</li> </ul>	To understand how you use our website, how you reached us and how long you spend on our website, in order to analyse our performance and improve our service. This processing is conducted lawfully on the basis of 'our legitimate interests'.	Directly obtained or indirectly obtained through use of our website (notice given at the point of collection).
Contact Submission	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> </ul>	When you send us information about you by posting on a forum or blog, we will store this information in order to make it available for viewing on the website. Your consent is obtained at the time of posting and via reference to this notice. This processing is conducted lawfully on the basis of 'your consent'.	Directly obtained or indirectly obtained through use of our website (notice given at the point of collection).
Phone Calls	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> </ul>	We might record calls for training and/or auditing purposes. We also collect Calling Line Identification information. This is used to help improve the efficiency and accountability of our customer services. This processing is conducted lawfully on the basis of 'our legitimate interests'.	Directly obtained.
Email and Web Contact	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> </ul>	If you contact us through our website or by email, we will use the information you send in order to respond to your enquiry or complaint. This information will be kept in order to improve our service to you overall. This processing is conducted lawfully on the basis of 'our legitimate interests'.	Directly obtained or indirectly obtained through our website (notice given at the point of collection).

<i>Reference</i>	<i>What categories of information about you do we process?</i>	<i>Why are we processing your data?</i>	<i>Where did we get your personal data from?</i>
Consumer Marketing	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Transaction Data</li> <li>• Marketing and Communications Data</li> </ul>	If you make a purchase with us, we will add your contact information to our marketing list and send you information we think you might be interested in. This processing is conducted lawfully on the basis of 'our legitimate interests' or 'your consent'.	Directly obtained.
Employment	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> </ul>	We need information to perform the employment contract and fulfil our legal obligations.	

### **Our use of Cookies**

Cookies are small text files that are placed on your computer's hard drive through your web browser when you visit any web site. They are widely used to make web sites work, or work more efficiently, as well as to provide information to the owners of the site.

We may request the return of information from your computer when your browser requests a web page from our server.

Cookies enable our web server to identify you to us, and to track your actions and the pages you visit while you use our website. The cookies we use may last for a single visit to our site (they are deleted from your computer when you close your browser) or may remain on your computer until you delete them or until a defined period of time has passed.

Although your browser software enables you to disable cookies, we recommend that you allow the use of cookies in order to take advantage of the features of our website that rely on their use. If you prevent their use, you will not be able to use all the functionality of our website. Here are the ways we may use cookies:

- to record whether you have accepted the use of cookies on our web site. This is solely to comply with the law. If you have chosen not to accept cookies, we will not use cookies for your visit, but unfortunately, our site will not work well for you.
- to allow essential parts of our web site to operate for you.
- to operate our content management system.
- to operate the online contact forms. This cookie is set on your arrival at our web site and deleted when you close your browser.
- to enhance security on our contact form. It is set for use only through the contact form. This cookie is deleted when you close your browser.
- to collect information about how visitors use our site. We use the information to improve your experience of our site and enable us to increase sales. This cookie collects information in an anonymous form, including the number of visitors to the site, where visitors have come to the site from, and the pages they visited.
- to record that a user has viewed a webcast. It collects information in an anonymous form. This cookie expires when you close your browser.

- to record your activity during a web cast. For example, as to whether you have asked a question or provided an opinion by ticking a box. This information is retained so that we can serve your information to you when you return to the site. This cookie will record an anonymous ID for each user, but it will not use the information for any other purpose. This cookie will last for a period of time after which it will delete automatically.
- to store your personal information so that you do not have to provide it afresh when you visit the site next time. This cookie will last for a period of time after which it will delete automatically.
- to enable you to watch videos we have placed on YouTube. YouTube will not store personally identifiable cookie information when you use YouTube's privacy-enhanced mode.

#### **What happens if I refuse to give Emsleys Estate Agents Limited my personal data?**

The information about you that we have collected for the performance of our contracts is required in order for us to successfully fulfil our obligations to you. If you choose not to provide the personal data requested, we will not be able to enter into a contract with you to provide the benefits we offer. If we are already processing your personal information under a contract, you must end our contractual relationship (as/where permitted) in order to exercise some of your rights.

We process some personal information as part of a contractual relationship with a Data Controller. Any requests to restrict this type of processing should be forwarded to the Data Controller; they will be responsible for discussing your concerns and making any decisions.

#### **What profiling or automated decision making do we perform?**

**Emsleys Estate Agents Limited** does not perform any profiling or automated decision making based on your personal data.

#### **How long will your personal data be kept?**

**Emsleys Estate Agents Limited** holds different categories of personal data for different periods of time depending on the service provided. The retention period may be prescribed by statutory or regulatory obligations. Wherever possible, we will endeavour to minimise the amount of personal data that we hold and the length of time for which it is held.

- If 'consent' is the basis for our lawful processing of your data, we will retain your data so long as both the purpose for which it was collected, and your consent, are still valid. Occasionally, we might identify a legitimate interest in retaining some of your personal data that has been obtained by consent.
- If we process your data on the basis of 'legitimate interests', we will retain your data for so long as the purpose for which it is processed remains active.
- All categories of personal data that are held by us because they are essential for the performance of a contract, will be held for a period of six years, as determined by reference to the Limitations Act 1980, for the purposes of exercising or defending legal claims.

#### **Who else will receive your personal data?**

**Emsleys Estate Agents Limited** will only share your personal data when we are allowed to do so under data protection law.

We may share your data to comply with money laundering and other due diligence obligations, our professional advisors (including solicitors, auditors, bankers, insurers) and we may also share your data with other organisations so we can provide our services to you. Examples of relevant third-parties include:

- Customer Relationship Management (CRM) services or solution providers, including client relationship management tools.
- Technology providers
- Anti-Money Laundering (AML) and Know Your Customers (KYC) verification service providers
- Contractors
- Government and Local Authority departments
- Regulatory Authorities
- Postal/courier services
- Tenancy deposit schemes (or deposit replacement service providers)
- Other parties connected to your transaction e.g. your landlords, tenants, purchasers, vendors, including their representatives (for example, solicitors and surveyors)
- Surveyors and EPC providers
- Credit referencing agencies
- Utility service providers or utility management services
- Third-parties at your request

### **Does your data leave the EU?**

**Emsleys Estate Agents Limited** uses web and IT providers who in limited circumstances may transfer, store or process your personal data in locations outside the UK and the European Economic Area (EEA) in which case we will ensure appropriate safeguards are in place, such as the transfer of data to an 'adequate' territory which is deemed to have an equivalent standard of protection as offered under UK laws, or a written agreement which adds appropriate protections to the standards approved by the UK government / ICO.

the countries to which your personal data is transferred do not offer an equivalent level of protection for personal information to the laws of the UK, we will ensure that an appropriate agreement to safeguard your data are put in place.

### **Who can you complain to?**

If you have any complaints about the way that your personal data has been processed, please contact the Directors at [directors@emsleysestateagents.co.uk](mailto:directors@emsleysestateagents.co.uk). If you're not satisfied with our response to your complaint, you also have the right to complain to our supervisory authority, the Information Commissioner's Office (ICO). You can contact them at:

Address: Information Commissioner's Office  
Wycliffe House  
Water lane  
Wilmslow

Cheshire  
SK9 5AF

Helpline number: 0303 123 1113

Website: [www.ico.org.uk/make-a-complaint](http://www.ico.org.uk/make-a-complaint)

**Changes to this privacy notice**

We keep our privacy policy under regular review.