

Sam Properties - Privacy Notice

Sam Properties (Withington) Ltd ['Sam Properties'] - Privacy Notice

Last updated: May 2018

Sam Properties has its registered office at:

433 Wilmslow Road
Withington
Manchester
M20 4AF

Our contact information is:

- Privacy-specific email address: privacy@sam.properties
- General email address: letting@sam.properties
- Phone number: 0161 610 8383

1. Information collection

1.1 What information do we collect?

Based on the nature of your interaction with us, we typically either collect or see the following information:

If you **Email or Phone us**, we may collect your:

- Email Address
- Name
- Phone Number

If you **become an Applicant**, we may collect your:

- Address [Current and Historic]
- Date of Birth
- Email Address
- Employment [Role/Company/Address]
- Employment Status
- Family Status
- Financial Information [Salary/Income]
- Identity Documents (copies)
- Names
- Nationality
- National Insurance Number
- Phone Number
- Previous Bankruptcy Status [Yes/No]
- Previous CCJ Status [Yes/No]
- Previous Criminal Record [Yes/No]

- Previous Eviction Status [Yes/No]
- Signature
- Time at Address
- Title
- Vehicle Information [Make/Model/Registration]

If you are an **Applicant's Guarantor**, we may collect your:

- Address
- Email Address
- Employment [Role/Company/Address]
- Names
- Phone Number
- Proof of Address (e.g. Copies of Utility Bills)
- Proof of Identity (e.g. Copies of Passport/Driving License)
- Proof of Income/Funding (e.g. Copies of Payslips or Financial Records)
- Relation to Applicant
- Signature
- Title

If you are a **Witness to the Guarantor Form**, we may collect your:

- Address
- Names
- Signature

If you are an **Applicant's References (Work Reference or Landlord Reference)**, we may collect your:

- Email Address
- Employment [Role/Company/Address]
- Names
- Phone Number
- Signature

If you are a **Tenant (Mid-Tenancy)**, we may collect your:

- Image via CCTV (only if the property has CCTV in the communal areas)
- Financial Information for Rental Payment Situations (e.g. Rent Arrears, Student Finance, Employment Details)
- 'Right to Rent' ID (e.g. Copies of Passport/Driving License)
- IP Address (only if you have internet included in your rent)

If you are a **Tenant (Post-Tenancy)**, we may collect your:

- Bank Account Details
- Forwarding Address
- Names
- Signature

If you are an **External Company / Contractor**, we may collect your:

- Address

- Bank Account Details
- Company Information
- Email Address
- Employment Information
- Invoices
- Names
- Phone Number

If you are a **Landlord**, we may collect your:

- Address
- Bank Account Details
- Company Information
- Email Address
- Financial Information
- Identification Documents (e.g. Copies of Passport/Driving License)
- Names
- Phone Number
- Proof of Ownership
- Signature

If you are a **Member of the General Public / Guests of a Tenant**, we may collect your:

- Image via CCTV (only if the property has CCTV in the communal areas or public highways)

If you are **someone who visits one of our websites**, we may collect your:

- IP address
- Browser Type
- Operating system
- Referring URLs
- Information on actions taken or interaction with our websites or digital assets

1.2 How we collect your information

In general, the above information will be collected from the following people:

- Yourself
- Anyone contacting us on your behalf (e.g. a family member or joint-tenant)
- Business Associates
- Employers
- Current/Previous Landlords
- Utility Suppliers
- Local Council
- Third Parties that you have given consent to to provide us with your information (e.g. somewhere like Zoopla or a new agency or future landlord)

This information is generally collected via one of the following methods:

- Given directly by yourself via email, telephone or in person

- Entered into one of our standard application forms (e.g. Tenancy Application Form)
- Given to us by a third party that you have given consent to provide us with your information (e.g. a reference for your employment, or a current/previous landlord)
- Through our website via a form or cookies

We also can collect certain information by using automated means, such as cookies and web beacons, when you interact with our advertisements, applications, or visit our websites, pages or other digital assets. The information we collect in this manner may include: IP address, browser type, operating system, referring URLs and information on actions taken or interaction with our digital assets.

We may use third-party web analytics services on our websites and applications. The analytics providers that administer these services use technologies such as cookies and web beacons to help us analyse how visitors use our websites and apps.

"Your Rights and Choices" section of this Privacy Notice specifies your ability, to opt out or limit the usage of the information collected.

1.3 Purposes of collection

Depending on who you are, we will collect, store, process and use your information for a number of purposes:

- Using property criteria or other information you tell us to provide you with information about suitable properties, and book in viewings for said properties.
- Using your contact details to conduct and follow up on viewings, either before or afterward said viewings.
- Processing your application information to assess your suitability when applying to rent a property, to conduct referencing and checks prior to a tenancy agreement being formed between you and a landlord.
- Assessing your suitability to renew a tenancy or start a new tenancy at the same property.
- Performing our side of the contract with both yourself as a tenant or landlord, by managing the property and dealing with any tenancy-related enquiries or situations.
- Processing payments and transactions, including but not limited to: general accounting and bookkeeping, auditing, billing, reconciliation, collection, refunding, rent arrears, deposit returns.
- Protect against and prevent fraud, unauthorised transactions, money laundering, tax evasion, claims, other liabilities and manage risk exposure and agent quality, integrity, compliance and security of business processes.
- Create and manage any accounts, associated authentication criteria (IDs and passwords) that you may have with us.
- Provide, administer and communicate with you about Sam Properties information, updates, anything regarding your tenancy/application/enquiry or dealings with us.
- Compile business directories, including business contact information.

- Operate, monitor, evaluate and improve our products, services, websites, applications, other digital assets and business.
- Develop new services and improvements for our customers.
- Evaluate your interest in employment and contact you regarding possible employment opportunities.
- Enforce our “Terms of Use”, any contracts we have with you, other legal rights as may be required by applicable laws and regulations or requested by any judicial process or governmental agency having or claiming jurisdiction over Sam Properties or its affiliates.
- Comply with industry standards and our own policies.

1.4 Lawful basis of processing

We process all of your information under the following legal bases:

- **Vital Interests**

If you are taken seriously ill or have an accident, either at a viewing or in your home, we may need to disclose your personal details and/or any medical history if known to the emergency services in order to protect your vital interests

- **Performance of a Contract**

When you enter or wish to enter into a contract or agreement with Sam Properties, and we need to process your information as part of this contract or to fulfill our side of the contract with you.

If we are unable to process the information mentioned above, we may be unable to proceed to create a contract with you, and thus cancel your application.

- **Legitimate Interests**

Your information can also be processed by Sam Properties as part of its legitimate interests, which include (but aren't limited to):

- Fraud prevention
- Risk assessment
- Due diligence
- Network and information security
- Monitoring
- Web analytics
- Cloud storage
- Updating or removing your details or information
- Lettings and property management
- Sales or acquisitions

- **Legal Requirements**

Certain information must be collected, processed and stored under legal requirements enforced upon us. This may include information such as:

- Copies of identification for 'Right to Rent' checks
- Records of financial transactions with ourselves for HMRC requirements
- Managing and tracking consent for GDPR purposes

- **Consent**

Where we process information under consent, we will contact you to discuss this and obtain clear and unambiguous consent prior to processing your data.

2 Information we share

We do not sell the personal information we collect about you or unlawfully disclose it to anyone.

There are certain situations where we might need to share specific information that we hold about you with a third party. These include (but aren't limited to):

- Your landlord(s).
- The managers of your property, e.g. a building's caretaker if they need to know your contact information in the duties of their service to you.
- Formally contracted service providers to perform services on our behalf;
 - Hosting Data Centres, Infrastructure, Applications (Development/Support), Cloud Services (Software as a Service, Performance as a Service, Infrastructure as a Service)
 - Helpdesks, Email Providers

We contractually require these service providers to safeguard the privacy and security of personal information they process on our behalf and authorise them to use or disclose the information only as necessary to perform services on our behalf or comply with legal requirements.

- Local councils
- Our accountant(s), bank, credit agencies, Her Majesty's Revenue and Customs (HMRC), Financial Conduct Authority (FCA) and other relevant regulatory bodies.
- Additionally we may share limited information about you, if required legally, to prevent harm or financial/reputational loss, for investigation of suspected or actual fraudulent or illegal activities.
- Perspective landlords requesting current/past agency references from us.
- Tenancy deposit schemes.
- Any third party that you initially contact as part of a dispute or claim.

On websites, features can be accessed where we partner with other entities that are not affiliated with Sam Properties. These include social networking, geolocation tools etc. are operated by third parties (indicated appropriately) who may use or share personal information in accordance with their own privacy policies. It is recommended that you review the third parties' privacy policies if you use the relevant features.

Sam Properties reserve the right to transfer your information in the event of a sale or transfer (wholly or partially) of our business or assets, with reasonable efforts for the acquirer protect/use your information consistent with this Privacy Notice. You can exercise your rights to contact the acquiring entity with questions concerning the protection and processing of your information.

3 Retention of information

We will keep information for a reasonable amount of time in order to perform the purposes above as listed in Section 1.3, and in accordance with Section 1.4.

We will only keep your information for as long as necessary and lawfully allowed.

Sam Properties reserves the right to keep information for longer if we feel that this is in the legitimate interests of Sam Properties.

4 International data transfers

Sam Properties may transfer the personal information collected about you to a different country in which the information was originally provided in, but will only be done in the case where the server(s) or service for a technological provider we use is based in a different country.

Data protection laws vary among countries, with some providing more protection than others. Regardless of where your information is processed, we apply the same protections described in this Privacy Notice. We also comply with certain legal frameworks relating to the transfer of data, such as the European frameworks described below.

The European Commission has determined that certain countries outside of the European Economic Area (EEA) adequately protect personal data. You can [review current European Commission adequacy decisions here](#). To transfer data from the EEA to other countries, such as the United States, we comply with legal frameworks that establish an equivalent level of protection with EU law.

5 Your individual rights and choices

As a data subject, you are provided a number of rights under legislation, including following rights. This list is only intended to inform you of your rights and provide a bit of an overview on each of them - please see [this page from the ICO](#) which goes into much more detail about each right and the circumstances surrounding them.

1. The right to be informed

- a. Individuals must be provided with various pieces of information, including: what data is collected, the way it's collected, the purposes and lawful basis for processing it, who it's shared with and how long it's kept for.
- b. This is the information that is contained within this Privacy Notice.

2. The right of access

- a. Individuals have the right to access their personal data and supplementary information (the information contained within this Privacy Notice).
- b. The right of access allows individuals to be aware of and verify the lawfulness of the processing.

3. The right to rectification

- a. The GDPR includes a right for individuals to have inaccurate personal data rectified, or completed if it is incomplete.
- b. An individual can make a request for rectification verbally or in writing.
- c. We have one month to respond to a request.

4. The right to erasure

- a. The GDPR introduces a right for individuals to have personal data erased.
- b. The right to erasure is also known as ‘the right to be forgotten’.
- c. Individuals can make a request for erasure verbally or in writing.
- d. We have one month to respond to a request.
- e. The right is not absolute and only applies in certain circumstances.
- f. We will also delete your data after a certain length of time, as discussed in Section 3: Retention of Information.

5. The right to restrict processing

- a. Individuals have the right to request the restriction or suppression of their personal data.
- b. This is not an absolute right and only applies in certain circumstances, such as if the individual contests the accuracy of their personal data and we are verifying the accuracy, or if the individual wants us to keep the data in order to establish, exercise or defend a legal claim etc.
- c. When processing is restricted, we are permitted to store the personal data, but not use it.
- d. An individual can make a request for restriction verbally or in writing.
- e. We have one month to respond to a request.

6. The right to data portability

- a. The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services.
- b. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability.
- c. Doing this enables individuals to either receive a copy of their personal data, or take advantage of applications and services that can use this data to find them a better deal or help them understand their spending habits etc.
- d. The right only applies to information an individual has provided to a controller.

7. The right to object

Individuals have the right to object to:

- a. processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- b. direct marketing (including profiling); and
- c. processing for purposes of scientific/historical research and statistics.

8. Rights in relation to automated decision making and profiling

- a. The GDPR has provisions on:
 - i. automated individual decision-making (making a decision solely by automated means without any human involvement); and
 - ii. profiling (automated processing of personal data to evaluate certain things about an individual). Profiling can be part of an automated decision-making process.
- b. The GDPR applies to all automated individual decision-making and profiling.
- c. Article 22 of the GDPR has additional rules to protect individuals if we are carrying out solely automated decision-making that has legal or similarly significant effects on them.
- d. We can only carry out this type of decision-making where the decision is:

- i. necessary for the entry into or performance of a contract; or
 - ii. authorised by Union or Member state law applicable to the controller; or
 - iii. based on the individual's explicit consent.
- e. We must identify whether any of your processing falls under Article 22 and, if so, make sure that we:
 - i. give individuals information about the processing;
 - ii. introduce simple ways for them to request human intervention or challenge a decision;
 - iii. carry out regular checks to make sure that your systems are working as intended.
- f. Currently, none of our data processing contains automated decision making or profiling.

To exercise any of these rights, please put in a request via the following online form:
<https://goo.gl/forms/QIPJNAnhbvaDBQBp2>

Please see [this page from the ICO](#) which goes into much more detail about each right.

5.1 Withdrawal of consent

If we obtain your information by consent you have the right to withdraw any consent you previously provided to us.

If we process your information under legitimate interest you can object at any time on legitimate grounds, to the processing of your personal information.

The right to consent removal may be limited in some circumstances by local law requirements and you will be informed appropriately.

6 How we protect your information

The security of your personal information is very important to everyone here at Sam Properties, and we are committed to protecting the information we collect and process. We maintain administrative, technical and physical safeguards designed to protect the personal information you provide or we collect against accidental, unlawful or unauthorised destruction, loss, alteration, access, disclosure or use.

Where possible we use [SSL encryption](#) on a number of our websites from which we transfer certain personal information.

We store personal information only for as long as it is necessary for the fulfilment of the purpose for which the personal information was collected, unless otherwise required or authorised by applicable law.

We take extensive measures to destroy or permanently de-identify personal information if required by law or if the personal information is no longer required for the purpose for which we collected it.

We also restrict access to personal information to our employees, contractors and agents who need to know that information in order to process it for us and who are subject to strict contractual confidentiality obligations. They may be disciplined or their contract terminated if they fail to meet these obligations.

7 How to contact us or lodge a complaint

If you have any questions or issues with the above information, or how we use, store or process your personal data, please feel free to email us at privacy@sam.properties.

If we fall short of your expectations in processing your personal information or you wish to make a complaint about our privacy practices, please contact us via the the same email address: privacy@sam.properties.

Alternatively, you can write to us at:

Sam Properties
433 Wilmslow Road
Withington
Manchester
M20 4AF

To assist us in responding to your request, please give full details of the issue, and we attempt to review and respond to all complaints within a reasonable time.

If we cannot complete your request for lawful reasons, we will explain this to you to you, and we will let you know to what extent we lawfully can comply with your request.

If you wish to lodge a complaint with a supervisory authority, you can do so via contacting the [Information Commissioner's Office \(ICO\)](#) or [The Property Ombudsman \(TPO\)](#).

8 Updating this Privacy Notice or processes

We will regularly review and, where necessary, update our privacy notice.

If we plan to use personal data for a new purpose, we update our privacy notice and communicate the changes to you as individuals before starting any new processing

As this privacy notice will update from time to time, we suggest that you review this statement at regular intervals. Where we undergo substantial changes to this privacy notice or the way that we process your data, we will endeavour to inform you directly about these changes as soon as possible.

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