

## **PRIVACY NOTICE FROM TINTAGEL PROPERTY COMPANY LIMITED and SARAH MARIE COURTNEIDGE TRADING AS SMC PROPERTIES (DPA 1998 and GDPR 2018 COMPLIANCE)**

### **Why we hold/process data**

This notice sets out how we hold and process data we hold about you. We process personal information about our tenants and prospective tenants to enable us to provide residential accommodation which includes lettings; dealing with applications for tenancies; checking suitability for tenancies (including credit, immigration and similar checks); property management; rent collection, maintaining our accounts and records; and administering tenancy deposits.

Relevant information may include but is not limited to photographic identification, personal details, employment and education details, and financial information.

Under legislation in force since February 2016, we have to undertake immigration checks on prospective tenants and residents. We are required to retain copies of the documents which we inspect as part of these checks. These may be retained in electronic format as well as paper format.

### **Sharing data with others**

We may need to share personal information we process with others. Where this is necessary we are required to comply with data protection legislation and obtain your written consent to do so.

Depending on the circumstances we may share information with other landlords; employers; educational institutions; universities and colleges; suppliers (including utilities) and service providers; financial organisations (including banks); credit and tenant reference agencies; tenancy deposit schemes; debt collection and tracing agencies; public and government bodies (including those who administer benefits and Council Tax); contractors and repairers; letting and managing agents; and any future owner of the property.

This does not mean that we necessarily share information with all of the above but we may do so where it is necessary.

### **Council Tax and utilities/services**

In order to ensure that Council Tax and Utilities and Service Bills including water charges are correctly collected we share information with the relevant local authority and utility/service providers at the start and end of a tenancy, irrespective of whether or not you advise you have already done so. We also share this information to ensure that bills are directed to the correct person and charges and debts can be

collected. By law, in certain areas, information about who occupies a property has to be passed to water companies. In all other areas although this is voluntary.

## Why we use your personal information

Personal information which you supply to us may be used in a number of ways, for example to make decisions about whether or not to let the property to you; for fraud prevention; for accounting and auditing purposes, for property management or for debt collection.

### Personal Information Security

- Electronic documents are retained on a secure password protected PC.
- Backup data is held via a password protected cloud service and separate password protected hard drive.
- High entropy passwords are used.
- Paper documents are retained in secure locked filing cabinets.
- All Tenant's personal data in paper format is destroyed at the end of the tenancy unless we are required to retain it as evidence in Court proceedings, for example, during an eviction process.
- Every effort is made to delete all personal information relating to a Tenant once the tenancy has ended, particularly copies of photographic ID, Right to Rent Checks and Referencing Applications. Whilst we cannot guarantee deletion of every single personal document at that time, we will continue to retain it securely and continue to delete it over time.
- No personal information, other than a forwarding address for billing purposes, will be passed onto a third party either within or outside the United Kingdom.

### Right to obtain information

You have the right to request a copy of the information that we hold about you. We want to make sure that your personal information is accurate and up to date. You may ask us to correct or remove information if this is inaccurate. To request this information please write or email us.

**THE DATA PROTECTION ACT 1998** (DPA 1998) is an act of the United Kingdom (UK) Parliament defining the ways in which information about living people may be legally used and handled. The main intent is to protect individuals against misuse or abuse of information about them. The DPA was first composed in 1984 and was updated in 1998. Go to [https://en.wikipedia.org/wiki/Data\\_Protection\\_Act\\_1998](https://en.wikipedia.org/wiki/Data_Protection_Act_1998) for detailed information.

To conform to Data Protection Regulations when Great Britain leaves the EU, from April 2018, **GENERAL DATA PROTECTION REGULATION (GDPR)** applies to processing carried out by organisations operating within the EU. It also applies to organisations outside the EU that offer goods or services to individuals in the EU.

The new regulations place more emphasis on an organisation being accountable for maintaining personal data and being transparent about their lawful basis for its processing. Go to [https://en.wikipedia.org/wiki/General\\_Data\\_Protection\\_Regulation](https://en.wikipedia.org/wiki/General_Data_Protection_Regulation)

Article 5(2) of GDPR 2018 specifies:

*“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”*

Your Property Manager is the Data Controller and Data Processor for your personal data on behalf of your Landlord.

The text of DPA 1998 contains six major sections called Parts, followed by sixteen explanatory notes called Schedules. The Parts outline the basic rights of data subjects, methods in which data may be handled by those who possess it, special exemptions and modes of enforcement. The Schedules explain the Parts in greater detail and elaborate on diverse contingencies and legal interpretations.

The fundamental principles of DPA 1998 and Article 5 of GDPR 2018 specify that personal data must be:

- “a) processed lawfully, fairly and in a transparent manner in relation to individuals;*
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;*
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;*
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and*
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”*

We believe this document satisfies the conditions of both DPA 1998 and GDPR 2018.

By signing below, you indicate you have read and understood this Privacy Notice containing the principles of the Data Protection Act 1988 and General Data Protection Regulation 2018 information provided and you Consent to your personal data being used in the way we have described.

<b>Tenant Name</b>	<b>Signed</b>	<b>Dated</b>