

Personal Data / Privacy Notice

This notice explains what information we collect, when we collect it and how we use this. During the course of our activities, we will process personal data (which may be held on paper, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

Who are we?

TopMarks Property at Ransom Hall South, Ransom Wood Business Park, Mansfield, Nottingham, NG21 0HJ, take the issue of security and data protection very seriously and strictly adhere to guidelines published in the General Data Protection Regulation (EU) 2016/679 which is applicable from the 25th May 2018, together with any domestic laws subsequently enacted.

We are notified as a Data Controller with the Office of the Information Commissioner under registration number ICO:00019653571 and we are the data controller of any personal data that you provide to us.

Any questions relating to this notice and our privacy practices can be directed to our Data Protection lead and contacted at info@topmarksproperty.co.uk.

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 :

- a) 'your consent';
- b) 'performance of a contract';
- c) 'compliance with a legal obligation';
- d) 'protection of your, or another's' vital interests';
- e) 'public interest/official authority'; and

We collect information from you and what information I collect

We collect information about you from:

- Your application for accommodation
- Identity documents
- Documents evidencing income / benefits
- Information passed to us via direct messaging, emails and social media.

We collect the following information about you:

- Prospective tenants and/or guarantor names, email address, date of birth, address (including any previous addresses, relationship to other prospective tenants, employment status, name of university or college where you are studying (if applicable);

- Tenant name, email address, telephone number, Date of Birth, address (including any previous addresses), marital status, National Insurance Number, passport number, nationality, next of kin, name of university or college where you are studying (if applicable), the name of friends that you are staying with (if applicable);
- Guarantor name, e-mail address, telephone number, Date of Birth, address (including any previous addresses), marital status, National Insurance Number, nationality, next of kin (if applicable);
- Property address; term, rent, deposit, utility and service responsibilities;
- The employment status of tenants and/or guarantors, address, contact details (including email, phone and fax numbers) of the employer/accountant, payroll numbers, length of employment, salary information (including any regular overtime or commission), and any other income received;
- Bank account details of the tenant and prospective tenants, including account number and sort code, and any hire purchase/loan agreements/credit cards or store cards that you have;
- Transaction Data includes details about payments to and from you and other details of products and services you have purchased from us.
- 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.
- Any welfare benefits that you may be eligible for, or are currently on.

We do not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

Reference	What categories of information about you do we process?	Why are we processing your data?	Where did we get your personal data from?
Fraud Prevention	<ul style="list-style-type: none"> • Identity Data • Transaction Data 	<p>To combat fraud, we share information of clients who instruct the payment issuer to cancel payments to us without first informing us of why and/or allowing us the opportunity to issue a refund with credit reference agencies. This processing is conducted lawfully on the basis of 'protection of your, or another's vital interests'.</p>	<p>Directly obtained or indirectly obtained through a client's website (notice given at the point of collection).</p>

Reference	What categories of information about you do we process?	Why are we processing your data?	Where did we get your personal data from?
Contact Submission	<ul style="list-style-type: none"> • Identity Data • Transaction Data 	<p>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'.</p>	<p>Directly obtained or indirectly obtained through a client's website (notice given at the point of collection).</p>
Phone calls	<ul style="list-style-type: none"> • Identity Data • Transaction Data 	<p>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'.</p>	<p>Directly obtained.</p>
Email and Web Contact	<ul style="list-style-type: none"> • Identity Data • Transaction Data 	<p>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'.</p>	<p>Directly obtained or indirectly obtained through our website (notice given at the point of collection).</p>

Reference	What categories of information about you do we process?	Why are we processing your data?	Where did we get your personal data from?
Consumer Marketing	<ul style="list-style-type: none"> • Identity Data • Contact Data • Transaction Data • Marketing and Communications Data 	<p>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'.</p>	Directly obtained.

Why we need this information about you and how it will be used

We need your information and will use your information:

- to undertake and perform our obligations and duties to you in accordance with the terms of our contract with you;
- to enable us to supply you with the services and information which you have requested;
- to help you to manage your tenancy;
- to carry out due diligence on any prospective tenant and/or guarantor, including whether there is any money judgements against them, or any history of bankruptcy or insolvency;
- to analyse the information we collect so that we can administer, support and improve and develop our business and the services we offer;
- to contact you in order to send you details of any changes to our suppliers which may affect you; and
- for all other purposes consistent with the proper performance of our operations and business.

Sharing of Your Information

The information you provide to us will be treated by us as confidential /and will be processed only by any third party, acting on my behalf.

We may disclose your information to other third parties who act for us for the purposes set out in this notice or for purposes approved by you, including the following:

- If we enter into a joint venture with or merge with a business entity, your information may be disclosed to our new business partners or owners;
- To carry out due diligence on you as a prospective tenant/ guarantor, including but not limited to the carrying out of affordability checks, due diligence checks and the obtaining of references from relevant parties, whose data you have provided;
- If you request so, your information shall be disclosed in order to determine if there are any money judgements against you, as the prospective tenant/guarantor, or to determine if they have a history of bankruptcy or insolvency;
- If you are unable to make payments under your tenancy, your information may be disclosed to any relevant party assisting in the recovery of this debt or the tracing of you as a tenant; and
- In the creation, renewal or termination of the tenancy, your information will be disclosed to the relevant local authority, tenancy deposit scheme administrator, service/utility provider, freeholder, factor, facilities manager or any other relevant person or organisation in connection with this.

Name of Third Party Controller	What processing are we performing for them?	If applicable - who is their representative within the EU?
HMRC, regulatory authorities or other authorities	We are joint Controller with these authorities who require reporting of processing in some situations	N/A
Postal/Courier Providers	Where these providers act as Data Controller, we are joint Controller with them for the purposes of sending you physical documents.	N/A

Unless required to do so by law, we will not otherwise share, sell or distribute any of the information you provide to us without your consent.

Security

When you give us information we take steps to make sure that your personal information is kept secure and safe.

How long we will keep your information

TopMarks Property LTD holds different categories of personal data for different periods of time. 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. We review the status of your consent every twelve (12) months and treat non-response to our requests for renewal of consent as if they were your request to withdraw consent. Occasionally, we might identify a legitimate interest in retaining some of your personal data that has been obtained by consent. If we do, we will inform you that we intend to retain it under these conditions and identify the interest specifically.
- Identity, Contact and Transaction Data are held indefinitely (subject to object by the individual, or individuals having left our clients' business) in order to provide a superior service to returning customers.
- 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. We review the status of our legitimate interests every twelve (12) months and will update this notice whenever we determine that either a legitimate interest no longer exists or that a new one has been found.
- 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.

We review data retention periods regularly and will only hold your personal data for as long as is necessary for the relevant activity, or as required by law (we may be legally required to hold some types of information), or as set out in any relevant contract I have with you.

Your Rights

You have the right at any time to:

- ask for a copy of the information about you held by us in my records;
- require us to correct any inaccuracies in your information;
- make a request to us to delete what personal data of yours we hold; and
- object to receiving any marketing communications from us.

If you would like to exercise any of your rights above please contact us at info@topmarksproperty.co.uk with the subject line: "Subject Access Request". 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. This service is provided free of charge and our response 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?'.

Who can you complain to?

Should you wish to complain about the use of your information, we would ask that you contact us to resolve this matter in the first instance at info@topmarksproperty.co.uk. You also have the right to complain to the Information Commissioner's Office in relation to our use of your information. The Information Commissioner's contact details are noted below:

England:

Information Commissioner's Office
Wycliffe House, Water Lane
Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113
Email: casework@ico.org.uk

Scotland:

The Information Commissioner's Office
45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0131 244 9001
Email: Scotland@ico.org.uk

Wales

Information Commissioner's Office
2nd floor, Churchill House
Churchill way, Cardiff, CF10 2HH
Telephone: 029 2067 8400
Email: wales@ico.org.uk

Northern Ireland:

Information Commissioner's Office
3rd Floor, 14 Cromac Place
Belfast, BT7 2JB
Telephone: 028 9027 8757
Email: ni@ico.org.uk

The accuracy of your information is important to me - please help me/us keep my/our records updated by informing me/ us of any changes to your email address and other contact details.

Reviewed 25th March 2024.