

## Privacy Policy

### Introduction

In this Privacy Policy the terms, “our”, “us” or “we” or “our group” are references to Foster Maddison (company number 05343182) and FarmTrend (company number 05313841) having a registered address of 1a Meal Market, Hexham, Northumberland, NE46 1NF and Walhouse (company number 11273078) having a registered address of 142 Manor House Road, Jesmond, Newcastle upon Tyne, NE2 2NA

This Privacy Policy sets out the basis on which any personal data collected from you through our website ([www.fostermaddison.co.uk](http://www.fostermaddison.co.uk)) (**Our Site**), or that you provide to us through other mediums you may communicate with us through, will be processed by us.

Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

Your privacy is extremely important to us, and as a company we are committed to keeping your personal data and information secure. We will be managing it in accordance with our legal obligations under the applicable data protection laws and regulations.

By accessing, browsing or otherwise using [www.fostermaddison.co.uk](http://www.fostermaddison.co.uk) you confirm that you have read and agree to this Privacy Policy. If you do not agree with any part of this Privacy Policy, you should not use Our Site or utilise our services.

We reserve the right to amend the contents of Our Site, including this Privacy Policy at any given time, by posting such changes on to Our Site. It is your responsibility to familiarise yourself with the Privacy Policy at regular intervals to ensure that you are kept informed of any changes we make. Your continued use of Our Site following the publication of such changes will constitute your acceptance of the amended Privacy Policy.

This Privacy Notice was last updated on 24th May 2018.

### What is being collected if you are a prospective customer?

We may collect personal information from you in connection with your use of Our Site, including such personal information as:

- Your: email address, telephone number or home when you request a registered account on Our Site or use an online form to arrange a viewing, register for a property alert or request a lettings consultation, book a mortgage appointment or submit an enquiry.
- Details included on any enquiry form you submit in relation to property insurance, life, critical illness or income protection, conveyancing or mortgages.
- Cookie data which relates to your use of Our Site;
- Data sent from your internet browser to our server which may include: the date, time and duration of your visit to Our Site; the site from which you have come from (the referral URL);the pages that you visited on Our Site; and your IP address(es).

Additionally, we could collect information from you in connection with a service or product provided to you by us, including personal information such as:

- Your name, home address, phone number, email address and details of your requirements where you engage us to provide letting agency or estate agency services on your behalf either in branch, at your property, by telephone or by email.
- Where appropriate your marital status, date of birth, nationality and tax status when you enter into a residential sales or lettings agreement with us;

- Financial or other identifiers including your bank account details, tax URN number and income/expenditure details where we manage a financial transaction for you, set up a standing order, direct debit or take payment for services which we provide you with.
- Your date of birth, nationality and other details from identity documents which you provide to us which we are legally obligated to carry out checks on. Or data from client anti-money laundering checks and right to rent checks and the subsequent result of such checks.
- Details of your mortgage arrangements, confirmation of how long you have owned the property and details of the source of monies invested in the property when you register to sell.
- Proof that you have sufficient funds to pay any deposit required when you wish to make an offer to rent a property through us.
- Evidence of the source of funds you will be using to buy or rent a property, including for example, a copy of relevant bank statements or an agreement in principle from your mortgage provider.
- Evidence that you have the rights to let a property where you are acting as a landlord and instructing us to assist you with letting a property.
- Details of any mortgage or insurance, licensing documentation and service contracts which you have in place in relation to a property you wish to let where you are a landlord and we are providing you with letting services.
- Your marital status, employment status and details, national insurance number, nationality, residential status, bank account details and credit history when we are carrying out referencing and credit checks and the subsequent results of those checks.
- Information relating to your property including: photographs, floor plans, energy performance certificate ratings, interior and exterior descriptions and survey results when you direct us to market a property for you.
- Photographs of your property when we market your property for sale or to let, prepare an inspection report on the condition of your property, or when we prepare an inventory to record the condition of your property at the start or end of a tenancy.
- Your contact details and your check-in and checkout dates, utility meter information and meter readings where you are a landlord or tenant, prior to a tenant moving in to a property and when the tenant moves out.
- Your check-in and checkout date and information pertaining to the deposit you have paid where you are a tenant when we register or release any deposit from a deposit protection scheme.
- Your associated client reference numbers and the balance of any outstanding debt if we are required to take steps to collect a debt or take possession of a property.
- References relating to you, or information required to prepare a reference for you where you are a tenant.
- Your title, preferences for delivery methods, sex, civil/marital status, remuneration information (including salary/bonus schemes/overtime/sick pay/ other benefits) and employment history, bank account details, tax information, loans and credit commitments, personal credit history, sources of income and expenditure, family circumstances and details of dependents, confirmation of whether or not you smoke, any pre-existing mortgage and/ or insurance products and the terms and conditions relating to these, credit reference checks and details of the type of mortgage, insurance and/or protection you require where you are receiving mortgage, insurance and/or protection advice from us.

### **Use of the information we collect**

Your information will be used by us in connection with the following purposes:

### **Providing You with Services**

- To provide you with the estate and letting agency services which you have asked us to provide, including but not limited to: helping you to sell your property, or to find a property to purchase; valuing your property; and letting services.
- To provide advice on financial services related to your property transaction, including mortgage, insurance and, protection products.
- To introduce you to conveyancing services.

- To keep you informed of any developments in relation to any mortgage product, protection product or insurance product which we help you to take out.
- To adequately protect a tenant's deposit by registering it with a deposit protection scheme.
- To take payment from you for the services you have requested us to provide to you.
- To arrange and carry out viewings.
- Processing of rent transactions, maintenance and tax for you if a property is being let on your behalf.
- To arrange an energy performance certificate or home report inspection for you;
- To arrange an inventory check or to prepare a condition report for your property if it is being let.
- To ensure that necessary utilities are in place and that utility companies and local authorities can contact you for billing purposes when you move in to a property.
- To carry out tenant referencing and credit checks to assess if you reach the required level before you move in to a property. To carry out such checks, your personal information may be shared with credit referencing agencies or companies.
- To better understand your requirements and provide you with services specific to your needs.
- To make improvements to the services we offer by analysing your personal information, so we gain a better understanding on how you utilise our services.
- To keep client records up to date.

### **Marketing our services to you**

- To provide you with general updates in relation to the property market, in accordance with your preferences.
- To provide you with information which we reasonably believe may be relevant to you based on the services we are providing to you including information on mortgages, protection and insurance products and third party and conveyancing services.
- To carry out targeted advertising to you on social media websites such as Facebook where you have already shown an interest in our services. This is done through analysing information we collect about your interactions on Our Site and making this available to social media networks.

### **Replying to your request**

- To provide advice or to answer any questions or queries which you have asked one of our employees.
- To provide you with quotations for our services.

### **Making improvements to our site**

- To analyse cookie and website usage data to keep improving Our Site.
- To allow us to customise the content which is presented to you based on what you are likely to be interested in.

### **Legal and regulatory obligations**

- To comply with applicable laws where we are obliged to retain and/or disclose certain information.
- In the investigation of any claims or complaints made relating to our business.
- For internal and external auditing purposes.
- Carrying out any necessary anti-money laundering checks.
- Carrying out right to rent checks or regulatory checks.

### **Other**

- To help transfer information to any new stakeholder which may acquire any part of our business.

- In the debt collection process if you owe an outstanding amount to us.
- For referencing where you are a tenant.

### **The legal ways in which we deal with your information**

When we collect or use your personal information, we will ensure this is for a valid legal reason and it will be for one of the following reasons:

- To fulfil the terms of our contract with you e.g. if you have entered into a contract with us to sell your home.
- For supporting the legitimate interests of our business in operating Our Site and providing estate agency services to meet your needs - in all such instances, we will look after your information at all times in a way that is proportionate and respects your privacy rights and you have a right to object to processing as explained in the section on your rights below.
- To meet obligations to HMRC, government agencies and our own legal responsibilities.
- In cases where we have clearly gained consent from you - we will always make it clear when we need your consent and how you can change your consent permissions at any time.

If you require further information about the legal reasons that apply to the way in which we use personal information you can contact us at any time.

### **The source of the information collected**

Most of the personal information which we collect will have been provided by you voluntarily, however we may also obtain your personal data from other sources including:

- Other companies within our group.
- Third parties including credit reference agencies, law enforcement/regulatory bodies, companies providing commercially available databases, social networks (such as Instagram), introducer companies who have referred you to us for the delivery of services, your employer, your solicitor, trustees or your attorney.
- Online property portals such as Rightmove, Onthemarket and Zoopla.
- Public record sources such as the electoral roll and HM Land Registry.

### **Retaining data**

The personal information that you provide will be retained by us in accordance with applicable laws and our internal retention policy. However, we will take reasonable steps to destroy or de-identify personal information we hold if it is no longer needed for the purposes set out above. We will only hold your personal information on our systems for as long as is necessary for the relevant purpose for which it was collected. We can provide you with a copy of this policy if requested.

### **Disclosing information**

The information you provide to us will be held on our computers and may be accessed by or given to our staff or to any member of our Group for the purposes set out in this Privacy Policy or for other purposes approved by you.

We may also provide your personal information to other companies within the Group

It is possible that we will also disclose your information to the third parties listed below for the following purposes:

- Service providers who need to know the information to provide us or you with a product or service including our approved contractors for carrying out maintenance or gas safety checks at your property.

- Surveyors where you or your mortgage provider require a homebuyer's or structural survey to be carried out or your conveyancer, mortgage or insurance adviser.
- Law enforcement agencies and other regulatory bodies to comply with any legal obligation or court order including the police, HMRC and local authorities.
- Auctioneers where the property you are buying, or selling is being sold by auction.
- Third parties we work with as part of providing our services and their associated companies and sub-contractors.
- Credit referencing agencies.
- Social media sites.
- Debt collection companies to assist us in collecting any owed money.
- Our professional consultants, for assisting us to better operate our business and comply with our legal and regulatory obligations.
- Third parties as necessary in the event of a claim or dispute relating to the use of our services.
- If we are providing you with a letting service we may share your personal information with the landlord, tenant or their guarantor to comply with our legal obligations, including our obligation to keep the landlord fully informed where we manage a property on their behalf and to allow you to contact each other directly in circumstances where the landlord is managing the property.
- Relevant utility providers, prior to the commencement date of an agreed tenancy and/or where a tenancy end date has been agreed, where the landlord of a property instructs us to arrange for property's gas and/or electricity supply to be provided by a particular provider. In such circumstances, the landlord and tenant's contact details will be shared with the provider for billing purposes and to assist in the management of gas and /or electricity supply to the property at the beginning of a tenancy and during vacant periods. This does not prevent the supplier of gas and/or electricity being changed by the landlord or the tenant at any time during a tenancy.

These relevant parties may be in the UK or elsewhere in the world where different privacy laws may apply which may not offer the same level of protection as UK law. We only make these arrangements or transfers where we are satisfied that adequate levels of protection are in place to protect any information held in that country and that the service provider acts always in compliance with applicable privacy laws.

## **Marketing**

We will use the information you provide us with to keep you informed about products or services which we and our Group provide and which we believe you may be interested in. Where we and our Group conduct marketing we do so in accordance with applicable laws.

When you contact us through Our Site or make an enquiry in branch or on the phone to us, we will not use the details you have supplied to us to provide you with our general property marketing by email unless you choose to 'opt-in' to these communications.

If you do 'opt-in' we will send you information relating to our general property marketing by email.

Other than as explained above, we do not pass on your information to other companies for their own marketing purposes.

If, at any time after you "opt-in", you prefer not to receive further communications from us or our Group (except in connection with information, products or services that you specifically request), you will have the ability to unsubscribe from such communications by notifying us.

## **Third party websites**

Our Site may contain links to other websites. We are unable to accept responsibility or any liability for the content of other websites which are not under our strict control we are not responsible for the protection and privacy of any information which you provide when you visit other websites.

## **Security**

We employ security measures which aim to protect the information provided by you from access by unauthorised persons or entities protect against illegitimate processing, accidental loss, destruction or damage.

It is expected that you to take reasonable steps to safeguard your own privacy when transferring information to us, such as not sending confidential information over unprotected email, ensuring email attachments are adequately password protected or encrypted and only using secure methods of postage when documentation is sent to us.

## **Cookies**

Our Site uses cookies (including cookies to obtain an overall view of visitor habits and visitor volumes to Our Site). Please contact us should you require more information on our cookies.

## **Your rights**

Subject to certain exemptions, and in some cases dependent upon the processing activity we are undertaking, you have certain rights in relation to your personal information

If you wish to exercise any your rights, we may ask you for additional information to confirm your identity and for security purposes, before disclosing personal information to you. We reserve the right to charge a fee where permitted by law, if your request is deemed excessive. You must contact us via the details in the below contact section of this Privacy Policy.

Subject to legal and other permissible considerations, we will make every reasonable effort to fulfil your request promptly or inform you if we require further information.

We may not always be able to fully address your request, for example if it would impact the duty of confidentiality we owe to others, or if we are legally entitled to deal with the request in an alternate way.

### **Your right to access personal information**

You have a right to request that we provide you with a copy of your personal information that we hold, and you have the right to be informed of; the source of your personal information; the purposes, legal basis and methods of processing; the data controller's identity; and the entities or categories of entities to whom your personal information may be transferred.

### **The right to rectify, amend or erase personal information**

You have a right to request that we rectify and change inaccurate personal information. We may seek to verify the accuracy of the new personal information before rectifying it.

You can also request that we erase your personal information in the following limited circumstances:

- When it is no longer needed for the purposes for which it was collected.
- When you have withdrawn your consent (where the data processing was based on consent).
- Following a successful right to object.
- When it has been processed or used unlawfully.
- To comply with a legal obligation or regulation to which we are bound.

We are not required to comply with your request to erase personal information if the processing of your personal information is necessary:

- For compliance with regulations or a legal obligation.
- For the establishment, exercise or defence of legal claims.

### **Restricting the processing of your personal information**

You can ask us to restrict the processing of your personal information, but only where:

- Its accuracy is contested or to allow us to verify its accuracy.
- The processing is unlawful, but you do not want it erased.
- It is no longer needed for the purposes for which it was collected, but you still need it to establish, exercise or defend legal claims.
- You have exercised the right to object, and verification of overriding reasons are pending.

We can continue to use your personal information following a request for restriction:

- When we have gained your consent.
- To establish, exercise or defend legal claims.
- To protect the rights of another natural or legal person.

### **The right to transfer your personal information**

You can ask us to provide your personal information to you in a structured, commonly used format, or you can ask to have it transferred directly to another data controller, but in each case only where:

- The processing is based on your consent or on the performance of a contract with you.
- The processing is carried out by automated means.

### **Right to object to the processing of your personal information**

You can object to any processing of your personal information which has our legitimate interests as its legal basis, if you believe your fundamental rights and freedoms outweigh our legitimate interests.

If you raise an objection, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights and freedoms in that instance.

### **Right to object to how we use your personal information for direct marketing purposes**

You can request that we change the way we contact you for marketing purposes.

You can request that we do not transfer your personal information to unaffiliated third parties for the purposes of direct marketing or any other purposes.

### **Right to lodge a complaint with your local supervisory authority**

You have a right to lodge a complaint with your local supervisory authority if you have concerns about how we are processing your personal information.

We ask that you please attempt to resolve any issues with us first, although you have a right to contact your supervisory authority at any time.

### **Company Contact**

If you have questions or comments about our Privacy Policy or if you wish to exercise your rights mentioned above, please contact our Data Protection Officer by:

**Email:** hexham@fostermaddison.co.uk using FAO Data Protection Officer

**Post:** Data Protection Officer, Foster Maddison, 14/16, Priestpopple, Hexham, Northumberland, NE46, 1PQ

**Telephone:** 01434 605441

### **Complaints**

If you have any concerns or complaints as to how we have handled your personal data you may lodge a complaint with the UK's data protection regulator, the ICO, who can be contacted through their website at [ico.org.uk](http://ico.org.uk) or by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. (0303 123 1113)