

# Hawkesford James Terms & Conditions and Privacy Policy

At Hawkesford James we are committed to safeguarding the privacy of our clients, website visitors and service users, and to compliance in accordance with the General Data Protection Regulations (GDPR) and the UK Data Protection Act 2018. This privacy policy also explains how we collect and use your personal data when you visit our website. For more information please visit the ICO website at [www.ico.org.uk](http://www.ico.org.uk)

Our website incorporates privacy controls which affect how we process your personal data. By using the privacy controls, you can specify whether you would like to receive direct marketing communications and limit the publication of your information.

The information contained on this website is accurate, however, we cannot guarantee its accuracy and we reserve the right to change the information on this website (including these terms and conditions) at any time. You must therefore check these terms and conditions for any changes on every occasion that you visit our website.

## Disclaimer

This website is the property of Trevor Bowerman Property Management trading as Hawkesford James, 26 West Street Sittingbourne Kent. Company No. 4578803. By using our website you agree that you consent to and are bound by our terms and conditions. Hawkesford James makes no representations or warranties of any kind with respect to our website or content, including any text, graphics, advertisements, links or other items. Further more, neither Hawkesford James nor any other contributor to this website make any representation or gives any warranty, condition, undertaking or term either expressed or implied as to the condition, quality, performance, accuracy, fitness for purpose, completeness or freedom from viruses of the content contained on our website or that the content will be accurate, up to date, uninterrupted or error free. Nothing on our website shall be regarded or taken as a financial recommendation or financial advice.

The user agrees that the terms and conditions and use of this website shall be governed by the laws of England and Wales and that any and all disputes arising as a consequence shall be subject to the exclusive jurisdiction of the English courts.

Hawkesford James is the data controller in respect of the personal data processed when you visit our website. If you have any questions or concerns in relation to this Privacy Notice you can contact our Data Protection Officer by writing to the Data Protection Officer, Hawkesford James, 26 West Street Sittingbourne Kent. This website is not intended to be used by anyone under the age of 18 years. This privacy notice was last amended in May 2018. It supersedes any earlier version.

## How we use your Data

In the course of our business, Hawkesford James may receive, collect and process personal information you provide in order to give you the best possible, relevant and necessary service with regard to an instruction for the sale, purchase, marketing and with the lettings management of a freehold or leasehold property.

This data may be provided either directly, or by a third party such as another estate agent, mortgage broker, a provider of legal services, or a provider of lettings management services. We will use your data on the basis of legitimate interest and our contractual obligation, and in accord with your written consent.

We may be required to collect, retain and share information as part of our contractual obligation to you and under statutory or our regulatory authority.

With regard to rental properties, we will usually require references from potential tenants, this usually involves asking for, sharing and processing personal and sensitive data and we will do so with due diligence. For mortgage applications, we will usually require references from potential applicants, this usually involves asking for, sharing and processing personal and sensitive data, and we will do so with due diligence.

## Legal Obligation

Personal information you provide will be processed or shared in accordance with the General Data Protection Regulations 2018. We will abide by all laws relating to estate agency and property management which include but are not limited to the

following. The General Data Protection Regulations 2018. The Consumer Protection from Unfair Trading Regulations Act 2008. The Consumer Rights Act of 2015. The Estate Agents Act 1979. The Estates Agent and Redress Act 2007. The Energy Act 2011, The Money Laundering Regulations 2007, The Bribery Act 2010.

We may be asked to provide data to a number of Government Authorities, HMRC, and Law Enforcement Agencies and we will comply with legitimate requests where we are obliged to do so.

### **The Data we collect process and retain.**

The information we collect may be directly from you and also by methods which may include data such as your identity, contact details and financial information when filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:

- apply for our services;
- create an account on our website;
- subscribe to our service or publications;
- request marketing material to be sent to you;
- contact us through social media;
- walk-in to our office
- telephone our office
- give us feedback.

We use this information to help us provide services that may be of interest to you and we may contact you about improving our service. We may also use this information to help prevent fraud or loss, to enable progress of a transaction or instruction, to respond, to guide or assist if you are the client or to someone making an offer to a client or an offer to a third party.

We may also need to collect identification documents that include biometric data such as passports to comply with best practice and with anti money laundering regulations. We usually require clients to provide two forms of personal data identification in compliance with AML. We may also ask for financial documents such as bank statements to demonstrate the source of funds. We may process your personal data for a different purpose and without your consent where it is necessary for us to comply with our legal obligations, where there is an emergency; we genuinely believe we must do so by law, we need to protect your rights.

During the period that is necessary for work to be undertaken, staff at Hawkesford James may process your personal data. Your data and information may be shared with other processing services that we may employ, including some who may be based outside the EU.

### **Third-party links**

Our website may include links to third party websites, plug-ins or applications which may allow third parties to collect or share your personal data. We are not responsible for their use of your personal data and cannot control it.

### **The information we may collect and how we use it**

- Marketing and Communications Data (your marketing and communication preferences)
- Identity Data (name, marital status, title, date of birth, gender, your interests and preferences, feedback and survey responses)
- Contact Data (billing address, delivery address, email address and telephone numbers)
- Financial Data (bank account and payment details)
- Transaction Data (details about payments to and from you and other services purchased through Hawkesford James)

- Technical Data (internet protocol address, login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform, identification number, online identified, location data and other similar identifying information required for the customer's device(s) to communicate with websites and applications on the internet)
- Usage Data (how you use our website, products and services, the full uniform resource locators to, through and from our site (including date and time), download errors, lengths of visit to certain pages, page interaction information, methods to browse away from the page and any phone numbers you use to call us)

We also may collect and use Aggregated Data. For example, when you visit our website we may aggregate data about your usage to tell us about how certain features on our website are used. This is not usually classified as personal data as whilst it derives from personal data (in the example, it is derived from your Usage Data) it does not reveal your identity to us. If we do link this Aggregated Data to your personal information, it will be treated as personal data in line with this policy.

We may process the data about your use of our website and services. This data may include your IP address, location, browser type, timing, frequency and pattern of your service use. The data may also include the operating system, referral source, length of visit, page views and website navigation paths. This data may be processed for the purpose of analysing the use of services and the website.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us. You can ask us to rectify or update your personal information at any time by email or by writing to The Data Protection Officer, Hawkesford James 26 West Street, Sittingbourne, Kent ME10 1AP.

### **Third parties or the source of data publicly available**

We may receive personal data about you from various third parties and public sources as set out below:

Identity and Contact Data from data brokers or aggregators such as:

- Rightmove based inside the EU
- Zoopla Property Group based inside the EU
- Facebook based outside the EU

Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

### **Retention of Data**

We will retain a copy of your file for a period of seven years from the date of completion. A hard copy of the file will be retained our office and electronic files are retained on our secure server which is protected by firewalls and anti-virus software.

### **Quality Assurance**

Hawkesford James is a member of the Property Ombudsman scheme and is compliant with the Estate Agents Act of 1979 and other statutory obligations and requirements. As part of quality assurance, we may be asked to provide a sample of files to be checked by our regulators, the Property Ombudsman and therefore may be subject to inspection by external auditors or quality assurance assessors.

### **Cyber Crime and your Data**

Cyber crime including hacking, theft and viruses are a serious concern to all businesses. Estates Agents and Letting Agents have been the target of criminals and continue to be at risk. Do not send Hawkesford James any funds based upon email request to do so. Before you transfer any funds to Hawkesford James you must be fully satisfied that the information is correct and genuine. If in doubt contact Hawkesford James directly or call into our office where a member of staff will be available to assist you.

## **Inaccurate data**

If you believe that any data we hold on you is inaccurate, please contact us immediately. Hawkesford James has a legal responsibility to ensure that we only retain accurate information. Once we are aware that information we hold is inaccurate, we would endeavor to correct any errors immediately.

## **Reports and Profiling**

Hawkesford James may produce internal reports which may contain some of the data that our clients or potential clients have provided. Any reports we produce are for business research and marketing purposes only. We do not profile clients on any sensitive information such as ethnicity, religion, political affiliation or sexual orientation.

## **Request for Access**

You have the right to see your personal data. If you wish to access your data please write to the Data Officer at Hawkesford James 26 West Street Sittingbourne Kent ME101AP. We have 30 days from the date of the request to comply with your request. We may ask for further information from you before we respond and we may refuse your request. If we refuse your request we will tell you why we have done so,

## **Right to Erase your Data**

Under the GDPR and the Data Protection Act 2018, you can request to have your data erased. If you want to make a request to have your data erased you must do so in writing and with the grounds for your request by contacting the Data Protection Officer. We have 30 days from the date of the request to comply with your request. We may ask for further information from you before we respond and we may refuse your request. If we refuse your request we will tell you why we have done so. We may refuse on the grounds that we are required to keep data on you in accordance with our legal obligations or to retain data for legal defense purposes.

## **Right to Restrict or Limit Data**

Under the GDPR you may ask to restrict the data we hold relating to you. If you wish to make such a request, please write to the Data Protection Officer at Hawkesford James 26 West Street Sittingbourne Kent ME101AP with the details of the limits and restrictions you wish to place on the data held.

## **Right to Data Portability**

Under the GDPR you may ask us to port the data we hold about you to a third party. We will comply with your request as soon as is practical. We will only share the personal data that you request to be ported to your named third party in the manner you have specified.

## **For how long will Hawkesford James keep your information?**

Hawkesford James will only keep your data for as long as is necessary to provide you with the services requested and to comply with our regulatory requirements. The minimum period will be 12 months from the last point of contact after any business activity and you have not contacted us again to request that we continue providing our services during this period.

## **How to contact us**

If you have any questions regarding this Privacy Policy or our use of data or if you have any concerns please contact us in writing via the Data Controller, Hawkesford James 26 West Street, Sittingbourne Kent ME101AP.

If we are unable to resolve your concerns you can contact the Information Commissioners Office (ICO) who are responsible for monitoring the General Data Protection Regulations 2018 and they can be contacted by email at [www.ico.org.uk](http://www.ico.org.uk) or by telephone on 0303 123 1113.