

## **EDGERLEY SIMPSON HOWE - PRIVACY NOTICE**

### **INTRODUCTION**

Welcome to the Edgerley Simpson Howe privacy notice. This notice applies to Edgerley Simpson Howe LLP and to ESH Management Limited (together “ESH”, or “ESH LLP” or “EML” as applicable).

ESH respects your privacy and is committed to protecting your personal data. This privacy notice tells you how we look after your personal data including when you visit our website and tells you about your privacy rights and how the law protects you.

This privacy notice is provided in a layered format so you can click through to the specific areas set out below. Please also use the Glossary for the meaning of some of the terms used in this privacy notice.

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### **1. IMPORTANT INFORMATION AND WHO WE ARE**

#### **PURPOSE OF THIS PRIVACY NOTICE**

This privacy notice aims to give you information on how ESH collects and processes your personal data in our business dealings with you either directly in our day to day communications or through your use of this website, including any data you may provide through this website when you:

- Visit our website;
- Log into our tenant portal;
- Complete a contact us form;

- Provide us with your personal data by any other means.

This website is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data.

This privacy notice supplements any other previous notices and does not replace them.

## DATA CONTROLLER

Edgerley Simpson Howe LLP is a limited liability partnership registered in England and Wales under number OC343085 and our registered office is at 17 Savile Row, London, W1S 3PN.

ESH Management Limited is a company registered in England and Wales under company number 04550190 and our registered office is at 2 A C Court, High Street, Thames Ditton, Surrey, KT7 0SR.

We have appointed data protection managers (DPM) who are responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPM using the details set out below.

## CONTACT DETAILS

Our full details are:

<b>Full name of data controller legal entity:</b>	<b>Edgerley Simpson Howe LLP</b>	<b>ESH Management Limited</b>
<b>DPM Name or Title</b>	<b>Jamie Naughton</b>	<b>Simon Marshall</b>
<b>Email address:</b>	jamie@eshp.com	<a href="mailto:Simon@eshp.com">Simon@eshp.com</a>
<b>Postal address:</b>	17 Savile Row LONDON  W1S 3PN	30 Anyards Road Cobham Surrey  KT11 2LA
<b>Telephone number:</b>	020 7758 0400	01932 860 505

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)).

We would always prefer that you come to us to help address any concerns of a privacy nature however before you go to the ICO, so please contact us in the first instance.

## **CHANGES TO THE PRIVACY NOTICE AND YOUR DUTY TO INFORM US OF CHANGES**

This privacy notice was created on 24 May 2018. You should from time to time check back in to see whether our privacy notice has been updated.

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.

## **THIRD-PARTY LINKS**

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

## **2. THE DATA WE COLLECT ABOUT YOU**

Personal data, or personal information, means any information about an individual from which that person can be identified. Anonymous data is therefore not treated as personal data.

We have grouped together different kinds of personal data which we may collect, use, store and transfer as follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender
- **Contact Data** includes address, email address and telephone numbers
- **Financial Data** includes bank account and payment card details where you pay us for a service
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences
- **Profile Data** includes any of your usernames and passwords, enquiries made by you, services we provide to you, or buy from you, your preferences and feedback to us
- **Transaction Data** includes details about payments to / from you and other details of services you have purchased from us
- **Technical Data** includes your IP address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website
- **Usage Data** includes URL data, web analytics data in relation to how you arrived at our sites, from where, what search items you looked for, which pages you visited on our sites, the

duration of your visits and such other information about how you use our website or portal and the information provided on them, and how you use our products and services so as to assist us to improve our website offering to you

- **Complainant Data** includes name, address, email address, telephone number.

We may also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

### **SPECIAL CATEGORY DATA**

We do not process special categories of personal data except:

- **Health data** in relation to recording of accidents or other physical harm to any of our staff for health and safety and other record keeping purposes
- **Health data** to record absences and reason

### **CRIMINAL OFFENCE DATA**

We only process criminal offence data when we are at the outset of an employment relationship or when we are doing our due diligence on prospective new sub-contractors or other third parties who will be on our or our client's sites.

We delete any such data as soon as we have considered it and made appropriate decisions on the basis of it.

### **IF YOU FAIL TO PROVIDE PERSONAL DATA**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

## **3. HOW IS YOUR PERSONAL DATA COLLECTED?**

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity Data, Contact Data and Financial Data by filling in forms or by corresponding with us online on our tenant portal, by post, phone, email or otherwise or in person. This includes personal data you provide when you:
  - As an agent, when you work with us in connection with property services;
  - As a vendor, communicate with us in connection with change in tenant data;

- As a vendor or purchaser, provide us with your AML identification documentation;
  - As a tenant, create an account or update your data on our tenant web portal;
  - As a supplier, perform any contract with us by supplying goods or services to us and providing us with a supplier account name and other details;
  - As a customer, contract with us for management services or agency services as applicable
  - As a business contact, when we meet at a business event or when you contact us or we contact you to establish or further develop business relations and identify mutual opportunities.
- **Automated technologies or interactions.** As you interact with our website or tenant portal, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, and other similar technologies. Please read our cookie policy on our website.
  - **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources including as set out below:
    - Technical Data from the following parties:
      - (a) analytics providers such as Google based outside the EU;
      - (b) search information providers such as Post Code look up services by the Royal Mail based inside the EU.
    - Contact, Financial and Transaction Data (if you are a tenant) from vendors.
    - Identity and Contact Data from publicly available sources such as the Electoral Register based inside the EU.

#### 4. **HOW WE USE YOUR PERSONAL DATA**

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Please see the table below to find out about the lawful bases that we rely on to process your personal data.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending direct marketing communications to our consumer (non-business) contacts

via email or SMS. Whether you are a consumer or business contact, you have the right to withdraw consent to marketing at any time by contacting our DPO ([contact details above](#)) or by clicking the unsubscribe link in the relevant emails.

## 5. PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We have set out below a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

We may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
<b>Agents</b>		
To register you as an agent contact of ESH	(a) Identity (b) Contact	Performance of a contract with you
To process, fulfil and deliver our service to you Manage payments, fees and charges Collection/ recovery of monies owed Accounting purposes Defence of any legal claims brought against us To process marketing materials and communicate with you in relation to our services and prospective services	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us or defend legal claims or to conduct direct electronic marketing) (c) Necessary to comply with a legal obligation
<b>Investor Clients and Retail Clients</b>		
To communicate with you in relation to current services we provide to you	(a) Contact (b) Financial (c) Transaction	Performance of a contract with you (in our anticipation of entering into such contract with you)
Register new clients	(a) Identity (b) Contact	Performance of a contract with you
Process / fulfil / deliver services Manage payments, fees and charges Collect/ recover monies owed Accounting records Defence of legal claims brought against us To process marketing materials and communicate with you in relation to our services and prospective services	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us or defend legal claims or to conduct direct electronic marketing) (c) Necessary to comply with a legal obligation

<b>Vendors and Purchasers</b>		
AML checks	(a) Identity (b) Contact	Necessary for our legitimate interests (to fulfil agency services)
Process / fulfil / deliver services in relation to property services To process marketing materials and communicate with you in relation to our services and prospective services	(a) Contact (b) Financial (c) Transaction (d) Marketing and Communications	Necessary for our legitimate interests (to fulfil agency services and to conduct direct electronic marketing)
<b>Suppliers</b>		
To register you as a supplier to ESH	(a) Identity Data (b) Contact Data	Performance of a contract with you
To process and receive goods/services from you Manage payments, fees and charges Accounting purposes Defence of any legal claims brought against ESH	(a) Identity Data (b) Contact Data (c) Financial Data (d) Transaction Data	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to defend legal claims) (c) Necessary to comply with a legal obligation
<b>Complainants, Enquirers</b>		
To receive and process queries / comments and observations about our service.	(a) Identity (b) Contact	(a) Necessary for our legitimate interests (to respond to your complaint and if applicable, defend legal claims) (b) Performance of a (potential) contract with you (enquirers)
<b>Tenants</b>		
Property maintenance services and fulfilment  Tenant portal management  Processing enquiries and complaints Store data on our portal Maintain your account on our portal Respond to account queries on portal Store data on our portal Maintain your account on our portal Respond to account queries on portal	(a) Identity (b) Contact	(a) Necessary to comply with a legal obligation (b) Legitimate interests (to service our clients (landlords) under our contract with them) and your legitimate interests in order to deliver property management services in relation to the property you occupy

**HOW WE USE SENSITIVE PERSONAL INFORMATION (SPECIAL CATEGORY DATA)**

The law requires us to meet additional conditions for collecting, storing and using personal data that is considered 'special category' data. We have in place an appropriate safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

- **Health data** in relation to recording of accidents or other physical harm to any of our staff for health and safety and other record keeping purposes
- **Health data** to record absences and reason.

## CRIMINAL OFFENCE DATA

We only process criminal offence data when we are at the outset of an employment relationship or when we are doing our due diligence on prospective new sub-contractors or other third parties who will be on our or our client's sites.

Purpose/Activity	Type of data	Lawful basis for processing
<b>Staff / contractors</b>		
Record accidents under health and safety legislation reporting requirements (accidents in the workplace) and to record absences.	Health data	(a) Performance of a contract with you (b) Compliance with a legal obligation
To make required adjustments and necessary support for applicable learning needs	Disability data Special learning needs	(a) Performance of a contract with you (b) Complying with our legal obligations (under the Equality Act 2010) (c) Explicit consent (information is voluntary)
To monitor and report on equal opportunities	Data relating to race and ethnic origin	(a) Your explicit consent (this information is voluntary) (b) It is in the public interest to process such data

## CONSENT

Generally we do not rely on consent as a lawful basis for processing personal data about you. If we do, then it is necessary for you to know that you can withdraw your consent at any time by letting us know.

We do not need your consent in circumstances where we use special categories of your data in accordance with our legal obligations (and we set this out in our written policies).

On rare occasions we may ask for your explicit (written) consent to use certain special categories of data. If we do this we will make sure you have a detailed explanation of the data we need and why. This will enable you to make an informed decision whether you wish to consent.

## **MARKETING**

We strive to provide you with choices regarding certain personal data uses, particularly around our direct marketing and advertising. We will always give you options to determine how we use your personal data in this regard.

## **PROMOTIONAL OFFERS FROM US**

We may use your Identity, Contact, Technical and Usage Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which services and offers may be relevant for you (we call this marketing).

You will receive relevant marketing communications from us if you have opted in for such marketing or if you have previously bought services from us and, in each case, you have not opted out of receiving that marketing.

## **THIRD-PARTY MARKETING**

We will get your express opt-in consent before we share your personal data with any company outside of ESH LLP and EML for marketing purposes.

## **OPTING OUT**

You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out / unsubscribe links on any marketing message sent to you at any time.

## **COOKIES**

A cookie is a small piece of data sent from a website and stored on the user's computer by the user's web browser while the user is browsing. Our cookies are "analytical" cookies and allow us to count the number of visitors and distinguish you from other users of our website, which helps us to provide you with a good experience when you browse our website and also allows us to improve our site. These cookies are typically deleted from your device once the browsing session is terminated.

You can choose to block cookies that we may deliver to your device through settings on your web-browser; however, in doing so you may not be able to access or utilise all aspects of our website or tenant portal.

## **CHANGE OF PURPOSE**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact our DPM.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 6. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties as set out in the Glossary.
- External Third Parties as set out in the Glossary.
- Specific third parties identified in the Glossary.
- Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 7. INTERNATIONAL TRANSFERS

We share your personal data between ESH LLP and EML. This will not involve transferring your data outside the European Economic Area (**EEA**).

Some of our external third parties are based outside the European Economic Area (**EEA**) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see European Commission: Adequacy of the protection of personal data in non-EU countries.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see European Commission: EU-US Privacy Shield.

Please contact our DPO if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 8. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 9. DATA RETENTION

### How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting our DPO.

In some circumstances you can ask us to delete your data: see [Request erasure](#) below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 10. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:

- [Request access to your personal data.](#)
- [Request correction of your personal data.](#)
- [Request erasure of your personal data.](#)
- [Object to processing of your personal data.](#)
- [Request restriction of processing your personal data.](#)
- [Request transfer of your personal data.](#)

- [Right to withdraw consent.](#)

## 11. GLOSSARY

### LAWFUL BASIS

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting our DPM.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take preliminary pre-contractual steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### THIRD PARTIES

#### INTERNAL THIRD PARTIES

Other companies in our group acting as joint controllers and which provide property management and managing agency services.

#### EXTERNAL THIRD PARTIES

- Service providers acting as processors based in the United Kingdom who provide IT and payroll administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based throughout the world who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.

#### SPECIFIC THIRD PARTIES

- Rox – Outsourced payroll
- London Metric – property consultancy services
- ICB – Life cover/workplace pensions
- Comis Technology – IT services
- Chadney Bulgin – (Healthcare)
- AEJ Management Ltd, Shield Security, Venture FM, ICL Ltd, G24 – security services

## YOUR LEGAL RIGHTS

You have the right to:

- 11.1 **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
  - 11.1.1 **NO FEE USUALLY REQUIRED** You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.
  - 11.1.2 **WHAT WE MAY NEED FROM YOU** We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
  - 11.1.3 **TIME LIMIT TO RESPOND** We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.
- 11.2 **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- 11.3 **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- 11.4 **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- 11.5 **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us

to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

- 11.6 **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- 11.7 **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact our DPM.