

Privacy Notice

Anthony James Consultancy Ltd is committed to protecting your privacy

Introduction

In this Privacy Notice the terms, 'we', 'us' and 'our' are references to Anthony James Consultancy Ltd (**Anthony James Estate Agents**), company number 04540834, having a registered address of Charlotte House, 35-37 Hoghton Street, Southport, PR9 0NS.

This Privacy Notice sets out the basis on which any personal data we collect from you through our website (www.ajestateagents.co.uk) (**Our Site**), or that you provide to us through our site or via other methods you may communicate with us, 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, including:

- **What information is being collected if you are a prospective or existing customer?**
- **In what circumstances will Special Data and Criminal Disclosures be collected?**
- **Use of the information we collect**
- **The legal basis upon which we deal with your information**
- **Special notice if you use mortgage, protection and/or insurance services**
- **What is the source of the information we collect?**
- **Data retention**
- **Disclosure of information**
- **Marketing**
- **Third party websites**
- **Security**
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- **Complaints**

Your privacy is important to us, and we are committed to keeping your information secure and managing it in accordance with our legal responsibilities under applicable data protection laws.

By accessing, browsing or otherwise using our Site you confirm that you have read and agree to this Privacy Notice. If you do not agree with any part of this Privacy Notice, you should not use Our Site or use our services.

We reserve the right to change the contents of Our Site, including this Privacy Notice at any time, by posting such changes on Our Site. It is your responsibility to familiarise yourself with the Privacy Notice regularly to ensure that you are aware of any changes. Your continued use of Our Site following the posting of any such changes will constitute your acceptance of the revised Privacy Notice.

This Privacy Notice was last updated on **23rd May 2018**.

What information is being collected if you are a prospective or existing customer?

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

- your name, email address, telephone number and property address when you register for a Anthony James Estate Agent or Portal account or use an online form to arrange a viewing, register for property alerts, request a valuation or 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 browser to our server which may include:
 - the time, date and duration of your visit to Our Site;
 - the site from which you have come (the referral URL);
 - the pages visited on Our Site; and
 - your IP address.

We may also collect information from you in connection with a service or product provided to you by us, including personal information such as:

- your name, postal address, phone number, email address and details of your requirements where you engage us to provide 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, or take payment for the services which we provide to you;
- your date of birth, nationality and other details from identity documents which you provide to us where we are required by law to carry out know your client anti-money laundering checks and right to rent checks and the results of those 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 buy a property;
- evidence of the source of funds you will be using to buy a property, including for example, a copy of your bank statement or an agreement in principle from your mortgage provider;
- evidence that you have the right to let a property where you are a landlord and instruct 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 details, national insurance number, nationality, residential status, bank details and credit history when carrying out referencing and credit checks and the results of those checks;
- details relating to your property including photographs, floor plans, energy performance certificate ratings/ home reports, property description and survey results when you engage 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, move in and move out date, utility meter serial number 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 move in and move out date and details of the deposit you have paid where you are a tenant when registering or releasing any deposit from a deposit protection scheme;
- your client reference number and the balance of any debt which you owe 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; and
- your title, names, contact details, preferences for delivery methods, sex, civil/marital status, date of birth, nationality, occupation, employment and 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.

In what circumstances will your special data and criminal disclosures be collected?

We may collect personal information from you which is of a sensitive nature. Where we do so we treat this information in accordance with the additional protection it is given under data protection laws. Where you ask us to help you with your insurance needs, in particular life insurance and insurance that may assist you in the event of an accident or illness, we will ask you information about your ethnic origin, your health and medical history (including the health and medical history of your family where appropriate) (**Special Data**). We will record and use your Special Data in order to make enquiries of insurance providers in relation to insurance products that may meet your needs and to provide you with advice regarding the suitability of any product that may be available to you.

If you have parental responsibility for children under the age of 16 it is also very likely that we (and consequently Our Network) will record information on our systems that relates to those children and potentially, to their Special Data.

The arrangement of certain types of insurance may involve disclosure by you to us of information relating to historic or current criminal convictions or offences (together **Criminal Disclosures**). This is relevant to insurance related activities such as underwriting, claims and fraud management.

When we process your Special Data and any Criminal Disclosures we do so on the basis that it is in the substantial public interest to be able to provide vital insurance products as permitted by UK data protection related laws and regulations from time to time. Information on Special Data and Criminal Disclosures must be capable of being exchanged freely between insurance intermediaries such as us and insurance providers, to enable customers to secure the important insurance protection that they require.

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 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 and 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 protect a tenant's deposit by registering it with a deposit protection scheme;
- to take payment from you for the services which we provide;
- to arrange and carry out viewings;
- to process the receipt and payment of rent, maintenance and tax for you if a property is being let;
- to arrange an energy performance certificate or home report inspection for you;
- to arrange an inventory check or to prepare a report on the condition of a property if it is being let;
- to ensure that utilities are in place and that utility companies and local authorities are able to contact you for billing purposes when you move in to a property;
- to carry out tenant referencing and credit checks to assess if you are creditworthy before you move in to a property. To carry out such checks, your personal information may be shared with credit referencing companies, please refer to the [Disclosure of Information](#) section below for further details;
- to better understand your requirements and provide you with services specific to your needs;
- to improve the services we offer by analysing your personal information so we better understand how you use our services;
- to keep client records up to date;

Marketing of 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;

Responding to Your queries:

- to help answer any questions which you have asked one of our agents or staff members;
- to provide you with a quote for our services;

Improving 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 your likely interests;

Legal and Regulatory Obligations:

- to comply with applicable laws where we are obliged to retain and/or disclose certain information;
- to investigate or address claims or complaints relating to your use of our services;
- for internal and external auditing purposes;
- to carry out anti-money laundering checks;
- to carry out right to rent checks;

Other:

- to transfer information to any entity which may acquire rights in us;
- to collect a debt which is owed to us; and
- for onward referencing where you are a tenant.

The legal basis upon which we deal with your information

Wherever we collect or use your personal information, we will make sure we do this for a valid legal reason.

This will be for at least one of the following purposes:

- because it is necessary to fulfil the terms of our contract with you - if you have entered into a contract with us for example to sell a property or provide advisory services for a financial product;
- because it is necessary to support the legitimate interests of our business in operating Our Site and providing estate agency services in relation to Our Estate Agents efficiently to meet your needs - in all such cases, 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 responsibilities we have to our regulators, tax officials, law enforcement, or otherwise meet our legal responsibilities
- where we have obtained a clear consent from you - we will always make it clear when we need your consent and how you can change your permissions at any time thereafter.

If you would like to know more about the legal reasons or legitimate interests that apply to a particular way in which we use personal information you can contact us at any time. If you would like to know more about the legal reasons or legitimate interests that apply to a particular way in which Our Estate Agents use your personal information you should refer to their privacy notice or contact them directly.

Special notice if you use mortgage, protection and/or insurance services

This section of the Privacy Notice is only relevant to the extent that we are providing you with mortgage, protection and/or insurance services.

In the course of handling your information and your Special Data/Criminal Disclosures, Our Network will:

- Record and store your information and your Special Data/Criminal Disclosures on Our Network systems run on secure servers. Your information and your Special Data/Criminal Disclosures will be accessed by authorised employees and consultants within, or engaged, by Our Network as necessary for the purposes of supervision, training, quality audits, customer surveys and complaint handling or otherwise to comply with any other legal or regulatory obligation Our Network may have;
- use, and where appropriate transmit, your information and your Special Data/Criminal Disclosures to respond to any request from the FCA, the Financial Ombudsman Service, HMRC, the ICO or any other regulatory, law enforcement or governmental body; and
- need to access and process your information and your Special Data/Criminal Disclosures to deal with enquiries received from mortgage lenders and insurance providers that relate to the service we have provided to you, including the payment of any commission or fees to us that may be linked to the product you have taken out.

Your information and your Special Data/Criminal Disclosures will be retained by Our Network either electronically or in paper format for a minimum of six years and possibly for a longer period where this is required to enable Our Network to fulfil its legal and regulatory obligations.

Please note that the above information is a summary of the Network Privacy Policy for customers. If you wish to understand in more detail what Our Network will do with your information and Special Data/Criminal Disclosures then please visit the Network Privacy Policy for customers located at <http://www.primis.co.uk/privacy-policy-and-tcs>.

What is the source of the information we collect?

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

- third parties including credit reference agencies, law enforcement/regulatory bodies, companies providing commercially available databases, social networks (such as Facebook), 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 and Zoopla; and
- other publically available sources such as the electoral roll and HM Land Registry.

Data retention

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. A copy of our Retention Policy is available on request.

Disclosure of information

The information you provide to us will be held on our computers in the UK and may be accessed by or given to our staff for the purposes set out in this Privacy Notice or for other purposes approved by you. We may also disclose your information to the third parties listed below for the following purposes:

- service providers who need to know the information in order to provide us or you with a product or service including our approved contractors for the purpose of carrying out maintenance or gas safety checks at your property, surveyors where you or your mortgage provider require a homebuyers or structural survey to be carried out, your conveyancer, mortgage or insurance adviser;
- where you have provided your consent, Anthony James Estate Agents may
- discussing your insurance requirements
- our conveyancing firms if you ask us to arrange conveyancing services for you;
- Contractors including professional photographers) for the purpose of marketing your property;

- law enforcement bodies and/or other regulatory entities in order to comply with any legal obligation or court order including the police, HMRC and local authorities;
- auction houses 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, including (but not limited to) IT administrators, inventory clerks, photographers, utility companies, marketing and transactional communication companies, energy performance certificate companies, companies that facilitate electronic signature of documents and relocation agents;
- referencing companies to check your creditworthiness and to help prevent fraud and money laundering, the check will leave a soft ID footprint on your credit file which should not affect your credit rating;
- social media networks such as Facebook for marketing purposes as explained in the

Use of the information we collect' section of this Privacy Notice;

- debt collection companies to assist us in collecting any monies which you owe to us where payment is overdue;
- our professional advisers, for the purpose of assisting us to better manage, support or develop 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 letting services 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;
 - Utility companies, 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 a property's gas and/or electricity supply to be provided. In these circumstances the landlord and tenant's contact details will be shared with the utility company 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 untenanted 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;
 - Tenancy Deposit Scheme (TDS) for the purpose of providing a tenancy deposit protection scheme;
 - ARLA Propertymark a professional body responsible for raising professional standards amongst letting agents, where information relating to you is requested by them in order to protect your interests; and
 - ARMA a professional body responsible for raising professional standards amongst leasehold agents, where information relating to you is requested by them in order to protect your interests; and
 - The Property Ombudsman scheme where they are providing an alternative dispute resolution service in connection with the letting services which we are providing.
- if we are providing you with mortgage, protection or insurance advice, to progress your enquiry or application we may share your personal information with:
 - product providers; and
 - third parties who we believe will be able to assist us with your enquiry or application, or who are able to support your needs as identified, such third parties will include but may not be limited to, product specialists

These parties may be located 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 at all times in compliance with applicable privacy laws.

Marketing

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

Where you contact us through the 'contact' page of Our Site, or make an enquiry in branch or on the phone to us we will use the details you have supplied to us to provide you with our general property marketing by email unless you choose to 'opt-out' of these communications. If you do 'opt-out' then we will not send you information relating to our general property marketing by email. We may however contact you in future by phone where we reasonably believe (on the basis of services that we are providing to you) that there are additional, different services which you may be interested in. This may be, for example to offer you mortgage and protection services when we are assisting you with your search for a property, or to offer you property insurance services at the point at which you have exchanged contracts for the purchase of a house or agreed a tenancy, or to offer you conveyancing services. We rely on legitimate interests as a lawful basis for processing your information to conduct this above marketing and we ensure you always have the right to opt-out of receiving marketing communications from us. **If you wish to never receive any form of marketing communication from us you can let us know by contacting us (using the details provided below).**

Other than as explained above, we do not pass on your information to other companies for their own marketing purposes but from time to time we may tell you about services offered by other entities and ask whether you would like to be provided with marketing by these entities.

If, at any time, you prefer not to receive further communications from us, you will have the ability to unsubscribe from such communications by means of a link provided in every message that is sent to you by us or by contacting us.

Third party websites

Our Site may contain links to other websites. We accept no responsibility or liability for the content of other websites which are not under our strict control, in particular, we are not responsible for the protection and privacy of any information which you provide whilst visiting other websites and such sites are not governed by our Privacy Notice.

Security

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

We also expect 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 password protected or encrypted and only using secure methods of postage when original 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). To view more information on what cookies we use and how we use them please review our separate Cookies Policy which can be found at <https://www.ajestateagents.co.uk/privacy-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. Click on the links below to learn more about each right you may have:

- [To access personal information](#)
- [To rectify / erase personal information](#)
- [To restrict the processing of your personal information](#)
- [To transfer your personal information](#)
- [To object to the processing of personal information](#)
- [To object to how we use your personal information for direct marketing purposes](#)
- [To obtain a copy of personal information safeguards used for transfers outside your jurisdiction](#)
- [To lodge a complaint with your local supervisory authority](#)

If you wish to access any of the above mentioned rights, we may ask you for additional information to confirm your identity and for security purposes, in particular before disclosing personal information to you. We reserve the right to charge a fee where permitted by law, for instance if your request is manifestly unfounded or excessive.

You can exercise your rights by contacting us using the details in the [Contact](#) section of this Privacy Notice. [Subject to legal and other permissible considerations](#), we will make every reasonable effort to honour your request promptly or inform you if we require further information in order to fulfil your request.

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 a different way.

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; (a) the source of your personal information; (b) the purposes, legal basis and methods of processing; (c) the data controller's identity; and (d) the entities or categories of entities to whom your personal information may be transferred.

Right to rectify or erase personal information

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

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

- where it is no longer needed for the purposes for which it was collected; or
- where you have withdrawn your consent (where the data processing was based on consent); or
- following a successful right to object (see [right to object](#)); or
- where it has been processed unlawfully; or
- to comply with a legal obligation to which we are subject.

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 a legal obligation; or
- for the establishment, exercise or defence of legal claims.

Right to restrict 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, to allow us to verify its accuracy; or
- the processing is unlawful, but you do not want it erased; or

- 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; or
- you have exercised the right to object, and verification of overriding grounds is pending.

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

- where we have your consent; or
- to establish, exercise or defend legal claims; or
- to protect the rights of another natural or legal person.

Right to transfer your personal information

You can ask us to provide your personal information to you in a structured, commonly used, machine readable 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; and
- 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.

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

You can request that we change the manner in which 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 obtain a copy of personal information safeguards used for transfers outside your jurisdiction

You can ask to obtain a copy of, or reference to, the safeguards under which your personal information is transferred outside of the European Union.

We may redact data transfer agreements to protect commercial terms.

Right to lodge a complaint with your local supervisory authority

You have a right to lodge a complaint with your local supervisory authority (the contact details for which are set out in the Complaints section of this Privacy Notice) 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.

Contact

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

Email: mark@ajestateagents.co.uk

Post: Data Protection Officer, Charlotte House, 35-37 Hoghton Street, Southport, PR9 0NS; or

Telephone: 01704 545800

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 <https://ico.org.uk/global/contact-us/> or by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.