

CORRY & STEWART

ESTATE AGENTS LTD.

DATA PROTECTION POLICY.

INTRODUCTION.

CORRY & STEWART ESTATE AGENTS LTD. (hereinafter referred to as “Corry & Stewart”) have responsibility to collect personal information or data to appropriately provide the services as typically relate to an estate agency business.

This data is collected from employees, clients and suppliers. The type of information might include; name, address. Email address, DOB and certain health information (Health information is considered special category data).

COMMITMENT.

CORRY & STEWART are committed to processing all personal information in accordance with the General Data Protection Regulation (GDPR) and any other relevant data protection laws to include the UK Data Protection Act 2018 or equivalent domestic legislation.

CORRY & STEWART have developed policies and procedures for the business to strive towards compliance with the data protection legislation, including staff training, procedure documents and audits to identify potential risks.

PURPOSE.

The purpose of this policy is to serve as a guide for CORRY & STEWART to carry out its regulatory function under the data protection laws and to ensure that all personal and special category information is properly processed.

This document also serves as a reference document for employees.

SCOPE.

This policy applies to all staff within CORRY & STEWART.

Compliance is mandatory for all staff and non-compliance could lead to disciplinary or other appropriate action.

WHAT IS PERSONAL DATA?

In law, “personal data” is defined as:

“Any information relating to an identified or identifiable natural person;(data subject)who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

CORRY & STEWART seeks to ensure that a high level of care is attributed to personal data within “special categories” as it is recognised that this information is of a sensitive nature and requires a further condition for processing under Article 9 of the Regulation.

“Special category data are defined as:

“Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation shall be prohibited”
UNLESS one of the GDPR Article 9 CLAUSES APPLIES.

Where CORRY & STEWART process special category data, we do so in accordance with Article 9 and in particular;

Article 9 (2) (a) where we obtain explicit consent from the data subject, (where required).

CONSENT is defined as:

“any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her”

CORRY & STEWART have revised our consent forms to ensure that:

- They are clear, using plain language
- Consent is freely given, specific, informed and unambiguous
- It is given by a clear affirmative action demonstrating agreement
- Pre-ticked, opt-in boxes are not used
- Records are kept
- The withdrawing of consent is explained and effected in an efficient manner where relevant
- For special category data, the consent is explicit and the processing purpose identified

SIGNIFICANCE OF THE DATA PROTECTION PRINCIPLES.

Under Article 5 of the GDPR, personal data must be processed in accordance with the data protection principles which may be summarised as the:

- lawfulness, fairness and transparency principle,
- purpose limitation principle
- data minimisation principle
- accuracy principle
- storage limitation principle
- integrity and confidentiality principle.

COMMITMENT OF CORRY & STEWART.

To enable the organisation to fully prepare and comply with data protection laws, CORRY & STEWART have carried out a data protection information audit.

We are further committed to carrying out further audits at regular intervals to monitor the effectiveness of our processing activities. We have put into place appropriate technical and organisational measures to safeguard personal data and can evidence such measures through our documentation and operational practices.

LEGAL BASIS FOR PROCESSING.

Prior to processing of personal data, we seek to identify and establish the legal basis for doing so. This is documented in our privacy notices and at least one of the following conditions must be met:

1. The Data Subject has given consent to the processing for one or more specific purposes
2. Processing is necessary for the performance of a contract to which the data Subject is party or to take steps at the request of the data subject prior to entering into a contract
3. Processing is necessary for compliance with a legal obligation to which CORRY & STEWART is subject
4. Processing is necessary to protect the vital interests of the Data Subject or of another natural person
5. Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in CORRY & STEWART
6. Processing is necessary for the purposes of the legitimate interest pursued by CORRY & Stewart or by a third party, except where these interests are overridden by the interest or fundamental rights or freedoms of the Data Subject which require protection of personal data, in particular where the data subject is a child.

THIRD PARTY PROCESSORS.

CORRY & STEWART will seek to establish appropriate agreements with external processors for certain processing activities. This includes:

- IT Services
- Legal Services
- Payroll & HR Services
- Hosting/Web Services

- Disposal Services

RECORDS OF PROCESSING.

As CORRY & STEWART employs less than 250 individuals and do not carry out processing of special category data on a large scale, we do not maintain records of our processing activities.

We understand the significance of reliable outsourcing for processing activities as well as our obligations for data processed and handled by a 3rd party.

DATA SUBJECT RIGHTS.

CORRY & STEWART seeks to deal appropriately with the rights of Data Subjects.

1. RIGHT OF ACCESS- this is dealt with under our Subject Access Request Procedures (SARs) and any requests are passed to the Data Compliance Officer (Noel Stewart) when received and a record of the request is noted. This procedure is specifically set out in our SARs procedure policy with relevant form.
2. RIGHT TO RECTIFICATION & ERASURE- if CORRY & STEWART become aware that personal information held by them is inaccurate or incomplete, we take every reasonable step to correct this and to notify any 3rd party of the rectification, if personal data has been disclosed to them for processing on our behalf.

ERASURE- All data is classified with a view to establishing an erasure date or is kept under review for disposal at a later date, when no longer necessary. Reference should be made to any Data Retention and/or Disposal Policy in force for the time being or in the future.

3. RIGHT OF RESTRICTION- Data Subjects who seek to enforce this right are informed within 30 days of their application and this includes reference to any 3rd party with whom the data has been shared. If we believe that we are unable to satisfy the request, we will provide a written explanation to the individual.
4. DATA PORTABILITY- CORRY & STEWART seek to provide all personal data (where relevant under the exercise of this right) in an efficient manner and in a format that is deliverable to assist data subjects for their own purpose. Where requested, we will also seek to provide the data to a nominated representative (otherwise controller) subject to our own technical measures where compatible with the manner of portability. Any request will be dealt with in line with our SARs policy.
5. RIGHT TO OBJECT- Where a data subject seeks to validly object to data processing, CORRY & STEWART will comply with this request and cease processing for the particular purpose identified. This will be confirmed to the data subject in writing and within 30 days where possible.

CORRY & STEWART reserve the right to continue processing if we can demonstrate compelling legitimate grounds, which override the rights of the data subject OR if the processing is necessary for the preparation, exercise or defence of any legal claims whatsoever.
6. AUTOMATED DECISION MAKING-this is not part of our present service delivery or business operations. However, if such processing arises in the future, CORRY & STEWART will seek to do so within any applicable guidelines or legislation. We will make this known to the individual concerned where relevant at any time in the future.

PRIVACY NOTICES.

Where data is obtained directly from the Data Subject, we will provide information to him/her in the form of a relevant Privacy Notice.

This Notice includes:

- Identity and contact details of the Data Controller
- Contact details of our Compliance Officer
- The purposes of the processing
- The legal basis of the processing
- When and to whom data is shared (3rd party)
- If we intend to transfer data to another country and to confirm whether or not there is an adequacy decision by the European Commission in this regard
- Applicable retention periods or the criteria to determine such periods
- Acknowledgement of the Data Subject rights
- Notification of the right to complain and to lodge a complaint with the ICO who are the Supervisory body
- Clarification of any legal or contractual requirement or obligation to provision of the data and of the possible consequences of any failure to provide
- (where applicable) the existence of any automated decision making and explanation of potential impact upon the data subject.

Where data is NOT obtained directly from the Data Subject, CORY & STEWART seeks to ensure that any relevant privacy notice is provided within 30 days to the data subject (or as soon as reasonably practicable thereafter).

EMPLOYEES OF CORRY & STEWART.

CORRY & STEWART seek to ensure that employees are provided with an appropriate privacy notice and are made aware of how we process their personal data and why.

RETENTION AND DISPOSAL.

CORRY & STEWART have set procedures for complying with retention periods as may be required by law and our service delivery function. We will set out any relevant periods or criteria to establish retention in our Data Retention Policy and will inform the data subject of this in the relevant Privacy Notice.

Personal data is disposed of in a manner that seeks to comply with data protection law. Examples of disposal include shredding or deletion by professional means.

SECURITY AND BREACH PROCEDURES.

Whilst every effort is made to ensure the security of processing of personal data; CORRY & STEWART have procedures in place to address and deal with any breaches and this is contained in our Data Breach Procedures Policy.

INTERNATIONAL TRANSFERS.

CORRY & STEWART acknowledge the necessity to implement proportionate and effective measures to protect personal data processed by us at all times. We recognise the risk in transfer or disclosing data to others. In particular, we acknowledge that transfers within the UK and EU are deemed less of a risk than a

3rd country, due to the laws governing the UK and EU in terms of strict application of the GDPR.

Where any data is subject to transfer we will use appropriate measures to protect the data (eg; encryption) in compliance with the law, data subject rights and principles of data protection.

MONITORING.

The Data Compliance Officer has overall responsibility for assessing, reviewing and improving the processes and measures in place. This includes:

- Establishing that appropriate policies and procedures are in place and are being followed
- Assessing for (potential) breaches
- Identifying risks and taking mitigating action
- Establishing action plans for the business

TRAINING.

To support our commitment to data protection, staff are provided with appropriate training, to include:

- GDPR Workshops and training sessions
- Access to relevant policies, procedures and supporting documents.

DATA COMPLIANCE OFFICER.

CORRY & STEWART does not believe that it is required to appoint a Data Protection Officer (DPO) in accordance with the legislation, but has appointed a Data Compliance Officer to strive to ensure that all processes, IT systems and staff operate

within the legislative requirements and data protection principles.

The Data Compliance Officer is Noel Stewart.

REGISTRATION WITH THE INFORMATION
COMMISSIONERS OFFICE (ICO).

CORRY & STEWART is registered with the ICO who is the supervisory body for data protection compliance.