
PRIVACY NOTICE FOR FREEHOLDERS AND LEASEHOLDERS

Data controller: Bradstowe Ltd T/as Henderson Setterfield

1. Introduction

Henderson Setterfield is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you.

Henderson Setterfield (“The Landlord’s Agent”) collects, stores and processes personal data relating to freeholders/leaseholders/tenants in order to provide management services to a block of flats. This privacy notice sets down how Henderson Setterfield collects and uses personal information about you before, during and after tenure.

Henderson Setterfield is committed to protecting the privacy and security of your personal information. Henderson Setterfield is committed to being clear and transparent about how it collects and uses that data and to meeting its data protection obligations.

2. Data Protection Principles

Henderson Setterfield will comply with data protection law. This means that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have explained to you clearly and not used in any way that is incompatible with those purposes;
- Relevant to the purposes we have told you about and limited to those purposes only;
- Accurate and kept up to date;
- Kept only for such time as is necessary for the purposes we have told you about; and
- Kept securely.

3. What information does Henderson Setterfield collect and process?

Henderson Setterfield collects and processes a range of personal information (personal data) about you. Personal data means any information about an individual from which the person can be identified. This includes:

- Identity and personal contact details, such as your name, title, address, email address, telephone number, date of birth, national insurance number;
- Background information such as accountant details, next of kin, dependents and emergency contacts;
- Bank account details;
- Mortgage details;
- Leasehold details;
- Recovery of arrears, claims or possession proceedings;
- Repair and health and safety records;
- Breach of lease terms/complaints;
- Notices and correspondence regarding leasehold;

- General correspondence in all formats (letters, emails, text messages etc).

We may also collect, store and use the following special categories of more sensitive personal information:

- Information about medical or health conditions, including whether or not you have a disability for which Henderson Setterfield needs to make adaptations;
- Equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

Henderson Setterfield collects this information in a variety of ways. For example, data is collected at instigation of a lease assignment and through correspondence during the tenure. Henderson Setterfield also generates its own records such as service charge payment records.

In some cases, Henderson Setterfield may receive personal data about you from third parties, such as:

- Information supplied by solicitors;
- Other tenants, residents or neighbours;
- Local authorities;
- The police or other law enforcement agencies;
- Department for Work and Pensions
- Utility companies or service providers;
- Letting/managing agents; and
- Websites or online rental portals such as Rightmove.

Data is stored in a range of different places, including in paper files and in Henderson Setterfield's IT systems (including Henderson Setterfield's email system).

4. Why does Henderson Setterfield process personal data?

Henderson Setterfield needs to process personal data to manage leasehold properties.

In addition, Henderson Setterfield needs to process personal data to ensure that we are complying with our legal obligations.

In other cases, Henderson Setterfield has a legitimate interest in processing personal data before, during and after the end of the freehold/leasehold relationship.

5. Situations in which we will use your personal information

Situations in which we will process your personal information are listed below:

- To verify the identity of a leaseholder/freeholder;
- To secure payment of charges and performance of obligations;
- To collect rent and other payments;
- To manage the leasehold/freehold and the property;
- To keep accurate records relating to Henderson Setterfield's block management business;
- To arrange repairs and maintenance of the property;
- To monitor and enforce performance of leaseholder/freeholder obligations;

- To recover debts and/or obtain possession of a property;
- To handle complaints;
- To address health and disability issues relating to residents;
- To provide information to public or local authorities who are legally entitled to require this information;
- To contact next of kin or close relatives in case of emergency;
- To store emails, records of calls and other communications;
- To comply with legal and regulatory requirements;
- To bring and defend legal claims;
- To prevent, detect and investigate crime and anti-social behaviour.

6. **If you fail to provide personal information**

If you do not provide certain information when requested, Henderson Setterfield may not be able to proceed with the management of your property.

7. **Change of purpose**

Henderson Setterfield will only use your personal information for the purpose for which it was collected unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will advise you of this and explain the legal basis which allows us to do so.

You should be aware that we may process your personal information without your knowledge or consent where this is required or permitted by law.

8. **Use of sensitive personal information**

Some special categories of personal data, such as information about health or medical conditions, are processed to comply with legal obligations (for example, in relation to health and safety purposes).

9. **For how long do you keep data?**

Henderson Setterfield will only hold your personal data for as long as is necessary to fulfil the purposes we collected it for, including any legal, accounting or reporting requirements. The period for which your data is held after the end of a tenure is seven years.

10. **Who is data shared with?**

Your information will be shared internally with all staff, including with members of the finance team and Directors of Henderson Setterfield.

Henderson Setterfield also shares your data with third parties where required by law, where it is necessary in order to administer the relationship with you or where we have another legitimate interest in doing so. Information can be shared with:

- Professional advisers, including solicitors and accountants;
- Letting/managing agents;
- Freeholder and/or their managing agent;
- Debt collectors and tracing services;

- Local authorities and government/public bodies;
- Ombudsman/redress schemes;
- Professional body/regulator;
- Courts/Tribunals;
- Police/enforcement agencies;
- Internet service providers;
- Banks/building societies;
- Tenant's/resident's next of kin or close relatives in case of emergency;
- H M Revenue and Customs;
- Council Tax authority;
- Contractors and tradespeople providing services at the property;
- Prospective purchasers of property;

Henderson Setterfield will not transfer your data to countries outside the European Economic Area.

11. **How does Henderson Setterfield protect data?**

Henderson Setterfield takes the security of your data seriously. Henderson Setterfield has internal policies and controls in place to prevent your data being lost, accidentally destroyed, misused or disclosed. Details of these measures are available on request.

When Henderson Setterfield engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

12. **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please be sure to keep us informed if your personal information changes during the course of your tenure.

13. **Your Rights**

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request (known as a “data subject access request”);
- require the holder to change incorrect or incomplete data;
- request erasure of your personal information. This enables you to ask the holder to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the holder is relying on its legitimate interests as the legal ground for processing; and
- ask the holder to suspend the processing of your personal data for a period of time if data is inaccurate or there is a dispute about its accuracy or the reason for processing it.

If you would like to exercise any of these rights, or you have any questions about the privacy notice, please contact Henderson Setterfield's Office Manager.

If you believe that Henderson Setterfield has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office.

Nothing in this Agreement relieves either party of its own direct responsibilities and liabilities under Data Protection law.

Henderson Setterfield contact details:

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