AGENT'S PRIVACY NOTICE TO TENANT, RESIDENT, OR GUARANTOR

Data controller: Bay Estate & Letting Agents.

1. **Introduction**

Bay Estate & Letting Agents is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you.

Bay Estate & Letting Agents ("The Agent") collects, stores and processes personal data relating to tenants, residents and guarantors, and prospective tenants in order to provide rental accommodation. This privacy notice sets down how the Agent collects and uses personal data about you before, during and after a tenancy.

This privacy notice sets down what personal data the Agent collects, why it is collected, how it is held and what data is processed by the Agent and with whom it is shared.

The Agent is committed to protecting the privacy and security of your personal data. The Agent 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**

The Agent will comply with data protection law. This means that the personal data 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 these 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 the Agent Collect and Process?**

The Agent collects and processes a range of personal data about you. Personal data means any information about an individual from which the person can be identified. If you are already a tenant, resident, or guarantor, some of the points below may not be relevant to you. Different information may be collected, depending on whether you are a tenant, resident, or guarantor. This includes:

- Identity and personal contact details, such as your name, title, address, email address, telephone number, date of birth, national insurance number, car registration;
- Background information such as previous landlord details, employer details, accountant details, next of kin, dependants, and emergency contacts;
- Bank account details, bank references, and credit check results;
- Tenancy details including renewals, joint tenants, other residents, and guarantors;

- Tenancy deposit information (if any) including return on tenancy termination;
- Immigration/right to rent checks (*England only*);
- Rent and utilities payment records;
- Recovery of arrears, claims, or possession proceedings;
- Repair and health and safety records;
- Breach of tenancy terms/complaints;
- Council Tax and utilities records;
- Universal credit/housing benefit records;
- Notices and correspondence regarding termination of tenancy;
- CCTV and audio recordings (if any);
- General correspondence in all formats (letters, emails, text messages etc); and
- Data sent from web browser to the Agent's server (including pages visited and time and date and duration on the Agent's server).

We may also collect, store and use the following special categories of more sensitive personal data (known as "special category personal data"):

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

The Agent collects this information in a variety of ways. For example, personal data is collected through the tenancy application process and through correspondence during the tenancy. The Agent also generates its own records such as rent payment records.

In some cases, the Agent collects personal data about you from third parties, such as:

- References supplied by former landlords, employers, and personal referees;
- Information from credit reference agencies;
- Other tenants, residents, or neighbours;
- Guarantors;
- 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 for lettings.

Personal data is stored in a range of different places, including in paper files and in the Agent's IT systems (including the Agent's email system).

4. Why does the Agent Process Personal Data?

The Agent needs to process data to consider applications for tenancy agreements and manage tenancies.

In addition, the Agent needs to process data to ensure that we are complying with our legal obligations, for example, we are required to check a tenant's "right to rent" for properties in England or sharing personal information with a deposit scheme by which any deposit is protected.

In other cases, the Agent has a legitimate interest in processing personal data before, during and after the end of the landlord/tenant 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 proposed tenant/resident;
- To decide on the suitability of a proposed tenant/resident;
- To arrange lettings;
- To assess the financial standing/suitability of a proposed tenant/resident;
- To check immigration status/right to rent/ sanctions list
- To deal with joint tenants and residents who are linked to the tenancy;
- To enter into a tenancy agreement;
- To secure payment of rent and performance of tenant obligations;
- To collect rent and other payments;
- To manage the tenancy and the property;
- To arrange an energy performance certificate;
- To arrange an inventory check or report on the condition of the property;
- To keep accurate records relating to the Agent's rental business;
- To arrange repairs and maintenance of the property;
- To monitor and enforce performance of tenant's obligations;
- To recover debts and/or obtain possession of a property;
- To ensure Council Tax and utilities charges are billed and paid appropriately;
- To ensure that welfare benefits (such as Universal Credit and housing benefit) are paid to the landlord or tenant where appropriate;
- To handle tenancy termination and the return of any tenancy deposit;
- To handle complaints;
- To address health and disability issues relating to tenants/residents;
- To create and keep audio and CCTV recordings;
- 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;
- To perform our tenancy contract to deal with joint tenants and residents who are linked to the tenancy;
- To take payment for the services provided by the Agent; and
- To provide you with general updates in relation to the property market and information relating to the Agent's services in accordance with your express consent.

6. If You Fail to Provide Personal Information

If you do not provide certain information when requested, the Agent may not be able to proceed with the grant of a tenancy agreement.

7. Change of Purpose

The Agent will only use your personal data for the purposes 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(s). If we need to use your personal

data 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 data 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 tenants/residents with disabilities and for health and safety purposes).

9. **For How Long do You Keep Data?**

The Agent 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 tenancy is seven years. The period for which your data is held following an unsuccessful tenancy application is one year (for a tenant).

10. **Who is Information Shared With?**

Your information will be shared internally, including with other staff members

The Agent 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;
- Freeholder and/or their managing agent (for property in block of flats);
- Existing or previous landlords;
- Existing or previous employers;
- Credit referencing agencies;
- 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;
- Joint tenants and other residents;
- Guarantors;
- Joint owners of the property;
- Tenancy Deposit Schemes;
- Universal Credit/housing benefit/other benefit administrator;
- H.M. Revenue and Customs;
- Council Tax authority;
- Utilities and service providers;
- Future owners of the property;
- Contractors and trades people providing services at the property;
- Prospective purchasers of property;
- Other landlords including where you apply to another landlord for a tenancy.

For tenants, residents, and guarantors, the Agent will share any personal data with the landlord client.

The Agent will store and/or transfer some of your personal data**]** within the European Economic Area (the "EEA"). Transfers of personal data from the UK to the EEA are permitted without additional safeguards.

11. How does the Agent Protect Data?

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

When the Agent 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 data we hold about you is accurate and current. Please be sure to keep us informed if your personal data changes during the tenancy application process or during the course of a tenancy.

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 Agent to change incorrect or incomplete data;
- request erasure of your personal data. This enables you to ask the Agent 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, if you believe your fundamental rights and freedoms outweigh our legitimate interests; and
- ask the Agent 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 mail@bayestateagents.com.

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