

## **DATA PRIVACY NOTICE & COOKIE POLICY**

We take your privacy very seriously and we ask that you read this privacy notice carefully as it contains important information on who we are, how and why we collect, store, use and share personal data, your rights in relation to your personal data and on how to contact us and supervisory authorities in the event you have a complaint.

*Italicised* words in this privacy notice have the meaning set out in the Glossary of Terms at the end of this document.

### **Who we are**

Karen Potter Limited collects, uses and is responsible for certain personal data about you. When we do so we are required to comply with *data protection regulations* and we are responsible as *data controller* of that personal data for the purposes of those laws.

When we mention "Karen Potter", "Karen Potter Limited", "we", "us", or "our" we are referring to Karen Potter The Estate Agent.

We are a company registered in England and Wales (company number 7931209) whose registered office is at 5 Hill Street, Southport PR9 0NW. Karen Potter The Estate Agent is regulated by The Property Ombudsman, Trading Standards and The Information Commissioners Office.

We provide you with a full service in relation to the sale of property in and around the Southport, Merseyside area.

### **The personal data we collect and use**

In the course of providing our service to you we may collect the following personal data when you provide it to us:

- *Contact information*
- *Identity information*
- *Financial information*
- Where you are not the legal owner of a property, we will request sight of appropriate documentation confirming your ability to sell such as Power of Attorney, Grant of Probate or Guardianship Order.

### **Information collected from other sources**

We also obtain personal data from other sources in the course of providing our service. Where we obtain this information from another party it is their responsibility to make sure they explain that they will be sharing personal data with us and, where necessary, ask permission before sharing information with us.

The personal data we obtain from other sources may include the following:

#### Estate Agents:

Information relating to the sale of a property you are tying into your property transaction

#### Solicitors:

Information relating to your sale and/or purchase

#### Identification and verification checking agencies:

Identity information and sanction check information

### **Information provided to other sources**

When we are initially instructed to sell your property or where we have agreed a sale of a property to you, we are duty bound by law to verify your identity. We use an external verification company, Creditsafe, whose Privacy Policy can be read here: <https://www.creditsafe.com/gb/en/legal/privacy-policy.html?sp=true>

During the course of your sale, we may be contacted by other Agents in the chain of related sales needing information as to the integrity of the chain. This will include the addresses of properties within the chain and the surnames of the individual owners to allow efficient administration of the chain on your behalf.

Where you specifically request us to do so, we will share your contact information with any of the following:- Solicitors; Mortgage Brokers; Surveyors; EPC Assessors; Removal Companies; Tradespeople; General Contractors; Cleaners; Buyers or Sellers of properties where they have specifically requested direct contact at the end of a sale.

### **Marketing**

We may use personal data we hold about you to help us identify, tailor and provide you with details of products and services from us that may be of interest to you. We will only do so where we have obtained your consent and have a legitimate business reason to do this. This will be done in accordance with any marketing preferences you have provided to us.

In addition, where you provided your consent, we may provide you with details of products and services of third parties where they may be of interest to you.

If you have opted in, you can opt out of receiving marketing at any time. If you wish to amend your marketing preferences, please contact us:

By phone: (01704) 500 008  
By email: [southport@karenpotter.co.uk](mailto:southport@karenpotter.co.uk)  
By post: Karen Potter, 5 Hill Street, Southport PR9 0NW

In addition, you can opt out of receiving marketing at any time by clicking the "unsubscribe" link at the bottom of every email.

### **Incoming & outgoing telephone calls**

Calls may be recorded for training and monitoring purposes. Unless we securely download a call, these recordings are retained for a period of approximately 1 month. If it has been downloaded then we will have considered it material information to a property sale and, in accordance with current regulations, will be retained by us for 6 years.

### **Whether information has to be provided by you, and, if so, why**

We will tell you if providing some personal data is optional, including if we ask for your consent to process it. In all other cases you must provide your personal data in order for us to provide you with services.

### **How long your personal data will be kept**

We are required by law to retain your data for 6 years after the date the property you either sold with us or were interested in has legally completed (or withdrawn from the market). This period could be longer in the instance of information relating to any legal claim. The exception to this is where you agreed for us to register you as a potential buyer yet you have not viewed a property, made an offer for a property or agreed to purchase a property. In these circumstances, we retain your data for a period of 9 months after which time we delete your file.

## How we use your personal data

The table below sets out:

- how we use your personal data
- the lawful basis upon which we collect and use your personal data
- who we routinely share your personal data with

Rationale/Reason for Processing	Lawful Basis for Processing	Third party recipients linked to that activity
To refer you to third party advisers to provide you with advice in relation to your sale or purchase	Performance of a contract	Solicitors Mortgage Brokers Financial Advisors Surveyors Property Developers EPC Assessors Removal Companies Tradespeople General Contractors Cleaners
To retain records of any services or advice provided to you by us in order to defend potential legal claims or complaints	Legitimate interests	External supplier(s) of data storage and data hosting services to retain records on our behalf  Our Professional Indemnity Insurer Our regulator and ombudsman Trading Standards Our external solicitors External advisors to assist in assessing complaint
To retain records of any services or advice provided to you in accordance with our regulatory obligations	Compliance with a legal obligation	External supplier(s) of data storage and data hosting services to retain records on our behalf
To obtain feedback from you on the service you have received from us	Legitimate interests [-we have a legitimate interest in operating our business. This includes ensuring that the service we provide is of a satisfactory standard]	External supplier(s) of software services to obtain feedback from you
To manage complaints	Compliance with a legal obligation	The Property Ombudsman Our external solicitors Our professional indemnity insurers and insurance advisor
To retain records of any services or advice provided to you by us in accordance with our regulatory obligations	Compliance with a legal obligation	External supplier(s) of data storage and data hosting services to retain records on our behalf
To manage legal claims	Legitimate interests – we have a legitimate interest in protecting our organisation from breaches of legal obligations owed to us and to defend ourselves from litigation. This is needed to ensure our legal rights and interests are managed appropriately	Our staff Our professional indemnity insurers and insurance adviser Our external solicitors
To detect, prevent and investigate fraudulent applications for products	Compliance with a legal obligation. We also consider that we have a legitimate interest in protecting our organisation, other parties and the financial services industry more widely in detecting, preventing and investigating financial crime and/or misconduct	Our external solicitors National Crime Agency (NCA) Police HMRC
To undertake anti-money laundering, identification and verification checks, including assessment of your <i>sanction check information</i> (any personal data obtained for the purposes of meeting with The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 will only be processed for the purposes of preventing money laundering or terrorist financing, unless the use of the data is permitted by or under another enactment other than those Regulations, or we have another lawful basis for processing it)	Compliance with a legal obligation	External supplier(s), Creditsafe, to conduct anti-money laundering, identification and verification checks on our behalf

To identify any commission or fee payments due to our staff as a result of the service they have provided to you	Legitimate interests – we have a legitimate interest in being able to identify any commission or fee payment due as a result of the service we have provided to you in order that we can comply with our contractual obligations	Our staff
To provide evidence of any request made by you in accordance with your rights under <i>data protection regulation</i>	Compliance with a legal obligation	Information Commissioner's Office

## Your rights

You have legal rights under *data protection regulation* in relation to your personal data. These are set out under the below headings:

- To access personal data
- To correct/erase personal data
- To restrict how we use personal data
- To object to how we use personal data
- To ask us to transfer personal data to another organisation
- To object to automated decisions
- To find out more about how we use personal data

We may ask you for proof of identity when making a request to exercise any of these rights. We do this to ensure we only disclose information or change your details where we know we are dealing with the right individual.

We will not ask for a fee, unless we think your request is unfounded, repetitive or excessive. Where a fee is necessary we will inform you before proceeding with your request.

We aim to respond to all valid requests within one month. It may, however, take us longer if the request is particularly complicated or you have made several requests. We will always let you know if we think a response will take longer than one month. To speed up our response, we may ask you to provide more detail about what you want to receive or are concerned about.

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 otherwise legally entitled to deal with the request in a different way.

### To access personal data

You can ask us to confirm whether or not we have and are using your personal data. You can also ask to get a copy of your personal data from us and for information on how we process it.

### To rectify/erase personal data

You can ask that we rectify any information about you which is incorrect. We will be happy to rectify such information but would need to verify the accuracy of the information first.

You can ask that we erase your personal data if you think we no longer need to use it for the purpose we collected it from you.

You can also ask that we erase your personal data if you have either withdrawn your consent to us using your information (if we originally asked for your consent to use your information), or exercised your right to object to further legitimate use of your information, or where we have used it unlawfully or where we are subject to a legal obligation to erase your personal data.

We may not always be able to comply with your request, for example where we need to keep using your personal data in order to comply with our legal obligation or where we need to use your personal data to establish, exercise or defend legal claims.

### To restrict our use of personal data

You can ask that we restrict our use of your personal data in certain circumstances, for example:

- Where you think the information is inaccurate and we need to verify it;
- Where our use of your personal data is not lawful but you do not want us to erase it;
- Where the information is no longer required for the purposes for which it was collected but we need it to establish, exercise or defend legal claims; or
- Where you have objected to our use of your personal data but we still need to verify if we have overriding grounds to use it.

We can continue to use your personal data following a request for restriction where we have your consent to use it; or we need to use it to establish, exercise or defend legal claims, or we need to use it to protect the rights of another individual or a company.

### To object to use of personal data

You can object to any use of your personal data which we have justified on the basis of our legitimate interest, if you believe your fundamental rights and freedoms to data protection outweigh our legitimate interest in using the information. If you raise an objection, we may continue to use the personal data if we can demonstrate that we have compelling legitimate interests to use the information.

### To request a transfer of personal data

You can ask us to provide your personal data to you in a structured, commonly used, machine-readable format, or you can ask to have it transferred directly to another *data controller* (e.g. another company).

You may only exercise this right where we use your personal data in order to perform a contract with you, or where we asked for your consent to use your personal data. This right does not apply to any personal data which we hold or process outside automated means.

### To contest decisions based on automatic decision making

If we made a decision about you based solely by automated means (i.e. with no human intervention), and the decision made by us produces a legal effect concerning you, or significantly affects you, you may have the right to contest that decision, express your point of view and ask for a human review. These rights do not apply where we are authorised by law to make such decisions and have adopted suitable safeguards in our decision-making processes to protect your rights and freedoms.

### You can contact us for more information

If you are not satisfied with the level of information provided in this privacy notice, you can ask us about what personal data we have about you, what we use your information for, who we disclose your information to, whether we transfer it abroad, how we protect it, how long we keep it for, what rights you have, how you can make a complaint, where we got your data from and whether we have carried out any automated decision making using your personal data.

If you would like to exercise any of the above rights, please:

- email our Data Protection Officer at [karen@karenpotter.co.uk](mailto:karen@karenpotter.co.uk) or write to Karen Potter, Karen Potter The Estate Agent, 5 Hill Street, Southport PR9 0NW
- let us have enough information to identify you, e.g. name, address and date of birth;
- let us have proof of your identity and address (a copy of your driving licence or passport and a recent utility bill or bank statement); and
- let us know the information to which your request relates.

## What happens if you do not provide information we request?

Apart from contact information and as with all Estate Agents, we are obliged by law to carry out identity checks on our sellers and buyers in order to prevent fraud and money laundering.

If you do not provide this information requested by us we are not permitted to perform our contract with you.

## Keeping your personal data secure

We have appropriate security measures in place to prevent personal data from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal data to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

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

Our CRM software is with "Loop" and the information collected is stored in an Azure Microsoft datacenter located in the UK. With state-of-the-art encryption, they protect your data both at rest and in transit. More specifically for data at rest, all data written to the Azure storage platform is encrypted through 256-bit AES encryption and is FIPS 140-2 compliant. For data in transit—data moving between user devices and Microsoft datacenters or within and between the datacenters themselves—Microsoft adheres to IEEE 802.1AE MAC Security Standards, and uses and enables our use of industry-standard encrypted transport protocols, such as Transport Layer Security (TLS) and Internet Protocol Security (IPsec).

## Our supervisory authority

If you are not happy with the way we are handling your information, you have a right to lodge a complaint with the Information Commissions Office. It has enforcement powers and can investigate compliance with *data protection regulation* ([www.ico.org.uk](http://www.ico.org.uk)).

We ask that you please attempt to resolve any issues with us before the ICO.

## Our contact details

If you have any questions, comments or requests regarding any aspect of this Privacy Policy, please do not hesitate to contact us by sending an email to [southport@karenpotter.co.uk](mailto:southport@karenpotter.co.uk) or writing to Karen Potter The Estate Agent, 5 Hill Street, Southport PR9 0NW

## The use of cookies by Karen Potter The Estate Agent

### What is a cookie?

A cookie is a small text file that is downloaded onto your computer when you visit certain websites and allows that website to recognise your computer. They are used to help users navigate through websites more efficiently and perform certain functions, as well as to provide information to the owners of the website.

### What cookies do Karen Potter The Estate Agent's website use?

Only automatically utilised cookies that are strictly necessary for the performance and function of the website. By using the website you agree to the use of these non-essential cookies.

## Glossary of Terms

### we, us or our

Karen Potter Limited trading as Karen Potter The Estate Agent

A company registered in England and Wales (company number 7931209) and having its registered office at 5 Hill Street, Southport PR9 0NW

### contact information

these are details that can be used to contact a person, including title, first name, surname, personal telephone number, email address, home address, country, postcode or city of residence. This may also include work contact information such as work telephone number, work email and work address

### data controller

means a natural or legal person (such as a company) which determines the means and purposes of processing of personal data. For example, we are your data controller as we determine how we will collect personal data from you, the scope of data which will be collected, and the purposes for which it will be used in the course of us providing you with our services

### data protection regulation

applicable data privacy and protection laws

### financial information

this is information relating to your financial status in relation to your ability to finance the purchase of a property through our agency

### Identity information

this is any information that can be used to distinguish a person or verify their identity, such as name, date of birth, place of birth, gender, marital status, national identity card/number, passport, drivers licence and national insurance number

### sanction check information

this is information relating to your politically exposed persons (PEPs) status and His Majesty's Treasury financial sanctions status, which is recorded to prevent fraud and money laundering

### vulnerability

a vulnerable consumer is someone who, due to their personal circumstances, is especially susceptible to detriment, particularly when an advisory firm is not acting with appropriate levels of care. These customers are more likely to suffer severe detriment if something goes wrong. Details of vulnerability fall into the following categories: health; resilience (financial); life events; and capability (financial knowledge/ confidence)